



OFFICE OF THE CITY CLERK

REPORT

REPORT TO THE COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS

DATE: APRIL 14, 1999

REPORT NO: 99-01

SUBJECT: AMENDMENTS TO THE CITY ELECTIONS CODE, CHAPTER II,
ARTICLE 7 OF THE SAN DIEGO MUNICIPAL CODE,
PHASE 1 PROPOSALS

ISSUE

The city's current election code, Chapter II, Article 7 of the San Diego Municipal Code, was first adopted in 1968. The Campaign Control Ordinance was added in 1973, and other divisions have been added over the years, as necessary. Individual sections and divisions have also been amended from time to time, but a comprehensive review of the complete code has not been attempted in the thirty-one years it has been in place.

While the code has served the city well for some years, the increasing complexity of elections and events in the past several years, including several lawsuits, have pointed to the need for clarification of the code. Additionally, the City Clerk has recognized the need for a review and update to address the following: changes in state law which impact local law; processes that are not articulated in the code, or that are not clearly articulated; and problems in administration of the code.

The City Clerk has begun this process of review and update. In order to accomplish this task, code amendments will be proposed in three separate phases. Some changes are substantive, while many are housekeeping amendments. This report summarizes Phase 1 proposals and includes changes to the following existing divisions:

Division 20 -- General Provisions

Division 22 -- Ballots

Division 23 -- Tie Votes

Division 24 -- Vacancies

Division 31 -- Filling Vacancies

Division 25 -- Initiative
Division 26 -- Referendum

Phase 2 proposals are addressed in a separate City Clerk's Report.

RECOMMENDATION

Adopt the proposed amendments to the city's elections code included in Phase I of the code update. A discussion of these proposals is included in this report and address the topics of general election provisions, ballots, filling vacancies, the initiative and referendum.

DISCUSSION OF PROPOSED AMENDMENTS

Over the past several years, the City Clerk has identified areas of the code which need to be clarified or where procedures need to be articulated to provide better guidance in the administration of and adherence to the code. The changes in this first phase are primarily housekeeping in nature, although some substantive changes are also proposed. Substantive changes in each subject area are discussed below under their respective division headings. The divisions will also be re-numbered as part of the update process.

Because San Diego is a charter city, the municipal code governs all elections processes unless it does not specifically address a particular process or issue. In those instances the Clerk has relied on state law provisions. As part of the code update process, the Clerk is consolidating many of these provisions into the municipal code. This will provide a more comprehensive and accessible city election code for use in the future.

Strike out language is provided as Attachment A and a derivation chart for each section of the proposed amendments is included as Attachment B.

PROPOSED AMENDMENTS - GENERAL PROVISIONS DIVISION

In this division several sections related to precinct boards and polling places have been eliminated, since city elections are now consolidated with state elections and the Registrar establishes precinct boards in accordance with state law. New definitions have also been added for clarification of terms used throughout the code.

Definition of City-wide General Election to Enable Updates to Voter Base

The definition of a "City-wide General Election" has been expanded to include any City-wide municipal election consolidated with the state election held on the first Tuesday in November of each even-numbered year. This proposal provides for regular updates to

the voter base which is used to calculate the number of signatures required for the qualification of an Initiative, Referendum, or Recall petition.

The City Charter specifies the number of signatures of registered voters required for qualification of an Initiative, Referendum, or Recall petition, as a percentage of the total registered voters at the last City-wide General Election. However, the existing definition includes only those general elections in which there is a candidate run-off. In the last few years, most candidates have been elected outright at either a district or city-wide primary election. The result is that the voter base has not been updated since November, 1995, while the number of registered voters in the city has grown by over 40,000. This has resulted in fewer signatures being required proportionally for the qualification of any Initiative, Referendum or Recall petition.

PROPOSED AMENDMENTS - BALLOTS

As the code exists today, there is only one division that addresses the issue of ballots. Much of that information is related to candidate ballots. The division contains some general information and nothing about ballots for measures. Proposed amendments include creating three separate divisions for ballots: "General Provisions for Ballots," "Ballots for Measures," and "Ballots for Candidates."

PROPOSED AMENDMENTS - GENERAL PROVISIONS FOR BALLOTS

Much of the content of this division comes from state law or is derived from procedures contained in state law for use in the city. It incorporates state law provisions for the ten-day review period of ballot materials and delineates when the review period starts. Also included is language clarifying the process for a challenge of ballot materials during the review period.

PROPOSED AMENDMENTS - BALLOTS FOR MEASURES

This division has been added to the code to address issues related to ballot measures. Much of the content comes from state law or is derived from procedures contained in state law for use in the city.

Written Arguments

In addition to incorporating provisions of state law regarding arguments in this division, Section 27.0513 has been added to provide a process and options for the City Council authorization and authorship of ballot arguments.

No Rebuttal Arguments

Section 27.0514 provides that rebuttal arguments will not be accepted by the City Clerk and will not be published in the voter pamphlet. The city has never had rebuttal arguments and this section is intended to provide clarification of this fact.

PROPOSED AMENDMENTS - BALLOTS FOR CANDIDATES

Much of the content for this division comes from the existing division on ballots, which is largely related to candidate ballots. It has been organized into more sections for easier reference and it now incorporates several administrative procedures taken from state law. This will provide guidance to the Clerk in the administration of candidate elections.

Administrative Guidelines for Designation of Principal Profession or Occupation

Section 27.0604 has been added and creates new guidelines for candidates in preparing a Designation of Principal Profession or Occupation for the ballot. The guidelines are based on the Secretary of State's Regulations for Ballot Designations and have been modified for use in the city. The guidelines, included as Attachment C, provide examples and descriptions of what constitutes a profession, occupation, or vocation, and what kinds of designations are acceptable and unacceptable. The addition of this section enables the Clerk to reject a designation that is clearly in violation of these requirements.

Statement of Candidate's Qualifications

Section 27.0620 has been amended to allow candidates to include names in their statements. The amended section specifies that the use of a name, other than that of a family member must be authorized in writing by the individual or organization that is named in the statement; and that the authorization must be filed at the same time as the statement. The phrase "family member" has been left undefined, and we intend to interpret this broadly to include an individual's spouse, child, partner or significant other, parent or extended family members. We anticipate that the context for the name will be provided by the content of the statement.

Section 27.0621 more clearly identifies the types of references that are prohibited in a candidate's statement of qualifications, and expands the prohibition on references to an opponent or any other candidate. This clarification will codify information the Clerk's office now provides to candidates when they are issued their nomination papers.

Section 27.0622 provides the Clerk with a clear process to reject a candidate statement if any part of the statement violates the restrictions of the code.

PROPOSED AMENDMENTS - VACANCIES

As the code exists today, there are two divisions that address filling vacancies. One is devoted to filling vacancies by appointment. The other consists of four sections with minimal information about filling a vacancy by election. While there is information in the City Charter about filling a vacancy in a council office by election, no information is contained in either the City Charter or the code about how to fill a vacancy in the office of the Mayor or City Attorney by election. The proposed amendments include creating three separate divisions on vacancies: "General Provisions for Filling Vacancies in Elective Offices," "Procedures for Filling Vacancies in Elective Offices by Appointment," and "Procedures for Filling Vacancies in Elective Offices by Special Election."

PROPOSED AMENDMENTS - GENERAL PROVISIONS FOR FILLING VACANCIES IN ELECTIVE OFFICES

This division has been added to the code to clarify issues related to filling vacancies in elective offices. Much of the content has been taken from the City Charter and incorporated into the code to provide a comprehensive and accessible election code for the city. The intent of the division is to establish uniform provisions for filling a vacancy in any elective office. New provisions of note are as follows:

- ◆ Section 27.0704 clarifies the date of vacancy if such vacancy occurs by reason of death or un-excused absences.
- ◆ Section 27.0706 contains new language to provide that a letter of resignation may be withdrawn in writing by certain deadlines.
- ◆ Section 27.0708 provides clarification that if a redistricting occurs between the date of the election of the officeholder and the date of the vacancy, the boundaries used to fill the vacancy, either by appointment or election, will be the same as those used in the original election. This section codifies a legal opinion of the City Attorney's Office and the outcome of a lawsuit related to this issue.

PROPOSED AMENDMENTS - PROCEDURES FOR FILLING VACANCIES IN ELECTIVE OFFICES BY APPOINTMENT

The only significant proposed amendment to this division is to eliminate the requirement that applicants for appointment be subject to a credit check. While the police check required by the code is important in establishing an applicant's suitability for office, a credit check has no direct connection to an applicant's ability to serve and is not required of any other candidates for public office in the city.

PROPOSED AMENDMENTS - PROCEDURES FOR FILLING VACANCIES IN ELECTIVE OFFICES BY SPECIAL ELECTION

This division establishes procedures for filling vacancies in any elective office by special election. The procedures included here are taken from the City Charter provisions for filling a vacancy in the office of a City Councilmember when that office is to be filled by election. This division makes those procedures the same for a special election to fill a vacancy in the office of the Mayor or City Attorney. It establishes that the election to fill the vacancy shall conform to other city candidate elections to the extent practicable.

PROPOSED AMENDMENTS - COMMON TO BOTH INITIATIVE AND REFERENDUM DIVISIONS

Numerous housekeeping changes have been proposed throughout these divisions to clarify the initiative and referendum processes, and to have the language of these divisions parallel more closely the language of the other divisions which relate to petitions.

Provisions Regarding Petition Circulators

Sections 27.1004 and 27.1109 have been added, specifically allowing a petition circulator to be either a volunteer or a paid signature gatherer. This addition is a clarification of existing law and coincides with an addition to the format for the voter signature sheet (Sections 27.1011 and 27.1109); discussion of that addition is found below.

The requirement that a petition circulator be a registered voter of the City of San Diego has been deleted. Historically, the courts have held that such a requirement has a chilling effect on the people's right to participate in their own government. In 1999, the Supreme Court found such a requirement to be unconstitutional.

An addition to Sections 27.1022 and 27.1120 clarifies that if a circulator's affidavit of authenticity has not been signed, signatures on the affected petition section are invalid.

Form of Voter Signature Sheet

In Sections 27.1011 and 27.1109, a notice to the public has been added to the voter signature sheet, advising potential petition signers that they have the right to ask the circulator whether he or she is a volunteer or a paid signature gatherer. California Elections Code Section 101 contains an identical requirement for such notice on a petition.

Passage/Failure of an Initiative or Referendary Measure

Sections 27.1043 and 27.1139 have been added to clarify that an initiated or referended legislative act, must receive the requisite number of affirmative votes in order to be adopted by the voters. In most instances, the requisite number is a majority of the votes. However,

the California Constitution provides that tax measures require a 2/3 vote; and City Charter Section 55 provides that certain measures pertaining to land used for park, recreation or cemetery purposes also require a 2/3 vote. These exceptions are accommodated by the language of the new section.

SUMMARY

In conclusion, in Phase 1 of a review and update of the city's election code, the City Clerk proposes the attached amendments to clarify election procedures.

I look forward to your consideration of these proposals. Should you have any questions, please contact Deputy Director Joyce Lane at extension 34024.

Sincerely,


Charles G. Abdelnour
City Clerk

CGA:JL

Attachments

cc: City Manager
Assistant City Manager
City Attorney

**PROPOSED AMENDMENTS TO THE CITY ELECTION CODE
CHAPTER 2, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE**

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DIVISION 01 20
Elections--General

27.0101 2004 Purpose and Intent

The purpose and intent of this Chapter 2, Article 7 is to provide an expeditious and complete procedure for the people's right to exercise of the right of the people to the vote. ~~While this article incorporates by reference the provisions of general law, if there is any ambiguity or contradiction between the provisions of general law and the provisions of this article, shall be resolved in favor of the provisions of this article shall govern.~~ The ~~chapters~~ divisions relating to the initiative, the referendum, and the recall (including the initiative provisions relating to Charter amendments) are exclusive as required by the mandate of the Charter.

27.0102 2002 Substantial Compliance Sufficient

Substantial compliance with the provisions of this article shall be deemed sufficient to hold a valid *election*.

27.0103 2003 Definitions

Some terms defined in Chapter 1 apply to this chapter. Some terms defined in Division 29 and Division 40 of this article also apply. Other terms specific to this article are defined in this section. Defined terms are noted by italics.

"Ballot Materials" means those items printed on the ballot or in the voter pamphlet relating to measures or candidates.

(1) For ballot measures, ballot materials include the ordinance placing the measure on the ballot, which contains the ballot question. They also include the impartial analysis, if any; the fiscal impact analysis, if any; and arguments for and against the measure, if any.

(2) For candidate elections, ballot materials include the ordinance placing the names of the candidates on the ballot, the ballot designation of the candidate, and the statement of candidate's qualifications.

"Ballot Question" means the condensed statement of a measure being submitted to the voters, as that statement appears on the ballot. The ballot question may or may not be phrased as a question.

a. "Board of Supervisors" means the Board of Supervisors of the County of San Diego.

b. "City-wide General Election" means either of the following:

(a) the *election* at which the Mayor and City Attorney are elected ~~chosen~~ unless such officers are elected ~~chosen~~ at the City-wide Primary Election; or
(b) a City-wide municipal election consolidated with the state election on the first Tuesday after the first Monday in November of each even-numbered year.

~~Bond propositions and other measures may also be submitted at a City-wide General Election.~~

e. "*City-wide Primary Election*" means the *election* at which the Mayor and City Attorney are nominated. ~~Bond propositions and other measures may also be submitted at a City-wide Primary Election.~~

"Circulator" is an individual who gathers signatures on a nominating, initiative, referendary or recall petition. It includes an individual who gathers signatures on a Charter amendment petition.

d. "*Clerk*" means the City Clerk of The City of San Diego.

"*Council*" means the City Council of The City of San Diego.

g. "*District General Election*" means ~~the~~ an election at which *Council candidates* are elected ~~chosen~~ unless such officers are elected ~~chosen~~ at the *District Primary Election*.

f. "*District Primary Election*" means ~~the~~ an election at which *Council candidates* are nominated.

h. "*Election*" means a District or City-wide Primary Election, a District or City-wide General Election, or a special municipal election held in the City of San Diego, or in It may also mean an election of the San Diego Unified School District.

"Elective Office" means the office of the Mayor, Councilmember, or City Attorney of the City of San Diego. It does not include the office of a member of the governing board of the San Diego Unified School District.

"Measure" means any proposition submitted to a popular vote at any election. A measure and a proposition are synonymous.

i. "*Petition*" means one or more a document or documents seeking action by the Council or some officer such as (without limiting the generality of the foregoing) a nominating, initiative, referendary or recall petition.

"Proponent" means the person who proposes an initiative, referendary or recall petition and who has control of the circulation and filing of the petition with the Clerk. It includes a person who proposes a Charter amendment petition.

j. "Registrar" means the Registrar of Voters of the County of San Diego, or his a duly appointed deputy.

k. "Special Election" means any *election* other than a *District or City-wide Primary Election*, or *District or City-wide General Election*. It includes all elections to consider ballot measures as well as elections to fill vacancies in elective office and recall elections.

~~l. "Supplemental Petition" means a document or documents filed any time after the filing of a petition by the person filing such petition, or his designated representative, and relating to the action sought by such petition.~~

~~m. "Voter" means an elector who is qualified and entitled to vote under general law in San Diego Unified School District Board of Education elections or in the City elections and who is validly registered at the time he or she seeks to exercise his the right to vote. When a stated percentage of voters is required, that percentage shall be computed as of the date of the next preceding District or City-Wide General Election, excepting petitions to amend the Charter, in which case that percentage shall be computed according to the county clerk's last official report of registration to the Secretary of State.~~

"Voter Pamphlet" means the voter information pamphlet compiled and distributed with the sample ballot for each election.

27.0104 Computation of Qualified Voters

When a stated percentage of voters is required, that percentage shall be computed using the number of registered voters in the City as of the close of registration for the most recent District or City-Wide General Election, starting with the City-wide General Election of November 3, 1998, excepting petitions to amend the Charter, in which case that percentage shall be computed according to the Registrar's most recent official report of registration to the Secretary of State.

27.0105 Counting of Words

When a stated number of words is required by this article, the word count shall be determined using the City Clerk's published word count guidelines.

27.0106 ~~27.2004~~ Conduct of Elections to be Conducted Under this Article; Effect of Incorporation of State Law

(a) All *elections* shall be conducted by the City Clerk, except that *elections* for members of the governing boards of the San Diego Unified School District and Community College District held in even-numbered years on the same day as the statewide primary

and general election shall, pursuant to ~~Education Code Section 5303~~, be conducted by the *Registrar* pursuant to Education Code Section 5303.

(b) All *elections* shall be conducted under the Charter and this article. The *City Clerk* and *City Council* may rely on state *elections* law for guidance if there is no controlling provision in this Article. ~~election laws of the State of California except as specifically provided by the Charter or this Article.~~

27.0107 27.2005 Calling of Elections

(a) Except as provided in Section 27.0107(b), the *City Council* shall ~~by ordinance call all elections by ordinance~~ and shall specify the purpose or purposes and the time of such election. ~~except for~~

(b) All *elections* for members of the governing board of the San Diego Unified School District and Community College District shall be called by that district. ~~held in even-numbered years on the same day as the statewide primary and general elections.~~

27.0108 Effect of Majority Vote at Primary Election

All elective officers of the City shall be nominated at a *District or City-wide Primary Election*. In the event one *candidate* receives the majority of votes cast for all *candidates* for nomination to a particular *elective office*, the *candidate* so receiving such majority of votes shall be deemed to be and declared by the *City Council* to be elected to such office.

27.0109 27.2006 Precincts

The voting precincts shall be the precincts established by the *Board of Supervisors* or the *Registrar*. ~~The Council may establish different precincts or any number of them.~~

27.0110 27.2007—Precinct Boards

The precinct boards shall be those established by the *Registrar* pursuant to *election laws of the State of California*. ~~The Clerk shall appoint the members of the precinct boards from a list of applicants to be maintained by him or from the list on file in the office of the Registrar.~~

SECTION 27.2008 - Appointments to Precinct Boards

Members of precinct boards will be notified in writing of their appointments and of the location of the polling place by the Clerk.

SECTION 27.2009 - Vacancies on Precinct Boards

~~If a vacancy occurs on any precinct board during the progress of the election, the remaining members shall fill the vacancy and immediately notify the Clerk.~~

~~SECTION 27.2010 - Failure of Member to Appear~~

~~If none of the members of a precinct board appears at the opening of the polls, the Clerk shall cause a new board to be appointed immediately upon his becoming aware of such fact.~~

~~SECTION 27.2011 - Location of Polling Place~~

~~If, upon arriving at the designated polling place, a majority of the precinct board determines that such place cannot be used for the election, the board shall immediately obtain a suitable location as near as possible to the location first designated. The board shall notify the Clerk of the change and shall put a sign in a conspicuous place at the first location to notify voters of the change.~~

~~SECTION 27.2012 - Alcoholic Beverage Sale Locations Prohibited~~

~~The Clerk shall not designate and precinct boards may not change polling places to a location where alcoholic beverages are sold or dispersed or which is connected by any opening to a location where alcoholic beverages are sold or dispersed.~~

~~SECTION 27.2013 - Excused from Service on Board~~

~~No person who has filed application for and been appointed to membership on a precinct board shall fail to act as a member of such board unless excused for good cause by the Registrar or Clerk.~~

27.0111 27.2014 Delegation of Duties

The City Clerk may delegate to the Registrar those duties assigned to the City Clerk by this article which can more properly be performed by the Registrar.

27.0112 Delegation of Authority to Deputy

Any duty under state law or this municipal code required to be performed by the City Clerk may be performed by an authorized deputy of the City Clerk or by an individual authorized by the Clerk.

~~SECTION 27.2015 - Polling Places~~

~~The Clerk shall designate the polling places to be used for all elections.~~

~~SECTION 27.2016 - List of Polling Places and Board Members~~

~~The Clerk shall maintain in his office a list of polling places and precinct board members and shall make the list available for inspection by the public. No other posting or publication shall be necessary.~~

27.0113 ~~27.2017~~ Retention of Documents

~~All papers and documents relating to elections which that are maintained by the City Clerk may be destroyed in accordance with the Clerk's Records Disposition Schedule, if designated in that schedule, or two years after the date on which they were filed or received or created., with the consent of the City Attorney and providing that, in the Clerk's opinion, the retention of such documents no longer serves any useful purpose. This section shall~~ does ~~not~~ apply to the destruction of official ballots.

27.0114 ~~27.2018~~ Invalidity of Petition

~~No petition is valid for use in connection with any election held after the election for which the petition was circulated.~~

27.0115 ~~27.2019~~ Publication

The City Clerk shall publish at least once in the official City newspaper:

(a) Ordinances calling *elections*, or digests of the ordinances, which publication shall constitute the Notice of *Election*; and

(b) Resolutions declaring the results of ~~all elections~~.

No other publication ~~shall be~~ is required.

27.0116 ~~27.2020~~ Term of Office

~~The term of office for officers elected pursuant to this article at a District or City-wide Primary Election, or at a District or City-wide General Election, pursuant to this Article shall commence at 10:00 o'clock a.m. (local time) on the first Monday after the first day in December following their election or upon taking of their oath of office, whichever occurs later. The term of office for officers elected at a special election pursuant to this article shall commence at the time the Council adopts the resolution declaring the results of such election.~~

27.0117 ~~27.2021~~ Map of Councilmanic Districts

The City Clerk shall maintain ~~in his office~~ a current map of the City showing the

boundaries of each City Council ~~manic~~ district as most recently established by ordinances of the City Council.

27.0118 27.2022 Redistricting

No change in the boundaries of City Council ~~manic~~ districts shall affect the term of office of any City Council ~~man~~ member who has been elected and whose terms has not expired at the time of the change.

27.0119 27.2023 Residency Requirements of Candidates and Elective Officers

The residency requirements for elective officers set forth in Section 7 of the Charter of The City of San Diego having been impliedly rendered invalid by Johnson v. Hamilton, 15 Cal. 3d 461 (1975), the following shall apply:

(a) No ~~person~~ individual ~~is shall be~~ eligible to run for or hold the office of Mayor or City Attorney of the City, either by *election* or appointment, unless:

(1) that person individual is, at the time of assuming such office, a resident and ~~voter elector of the City of San Diego, and thereof and,~~

(2) That individual was a registered voter of the City at least thirty ~~(30)~~ days prior to the date nomination ~~nominating~~ papers were filed by the *candidate* pursuant to ~~Section 27.2111 or 27.3209 of the nomination and write-in procedures in this article or at least thirty (30) days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104~~ 0804 of this article.

(b) No ~~person~~ individual ~~is shall be~~ eligible to run for or hold the office of a Councilmember, other than the Mayor, either by *election* or appointment, unless:

(1) that person individual is, at the time of assuming such office, a resident and ~~voter elector of the district from which nomination or appointment is sought, and~~

(2) that individual was a registered voter of the district at least thirty ~~(30)~~ days prior to the date nomination ~~nominating~~ papers were filed by the *candidate* pursuant to ~~Section 27.2111 or 27.3209 of the nomination and write-in procedures in this article or at least thirty (30) days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104~~ 0804 of this article.

DIVISION 04
General Provisions for Ballots

27.0401 Purpose and Intent

The purpose and intent of this division is to clarify and consolidate all general ballot requirements in one division, and to provide uniform procedures to better ensure a fair and impartial administration of these requirements.

27.0402 Public Examination of Ballot Materials

Ballot materials will be available for public examination in the Office of the City Clerk for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. The City Clerk shall post a public notice of the specific dates of any examination period.

27.0403 Examination Period

(a) The examination period for ordinances calling any regularly scheduled municipal election and ordinances placing measures on the ballot commences eighty-five days prior to the election and ends on the seventy-fifth day prior to the election.

(b) The examination period for ordinances calling a special election to fill a vacancy in an elective office commences the third business day following the adoption of the ordinance by the City Council and ends on the tenth calendar day thereafter.

(c) The examination period for all other ballot materials commences on the business day following the deadline for filing those ballot materials in the Office of the City Clerk and ends on the tenth calendar day thereafter.

27.0404 Writ of Mandate

During the ten-calendar-day examination period provided in Section 27.0402, the City or any voter of the City may seek a writ of mandate or an injunction requiring any or all of the ballot materials to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this article, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official election materials as provided by law. The City Clerk shall be named as respondent, and the person or official who authored the material in question shall be named as the real party in interest.

27.0405 Sample Ballots

The City Clerk shall have printed sample ballots in a number sufficient to furnish one copy to each voter in every precinct. Such ballots shall contain the words "Sample Ballot" on their face and shall be a substantial facsimile of the official ballots except in the quality and color of the paper used.

27.0406 Distribution of Sample Ballots

At least ten calendar days prior to an election, the City Clerk shall cause to be mailed one copy of the sample ballot in the form to be used in each precinct to every voter in such precinct.

24.0407 Recount Provisions

A recount of any municipal election shall be conducted pursuant to the recount provisions of the California Elections Code.

27.0408 Tie Votes of Ballot Measures

If it appears from a canvass of the returns of any election that the votes for and the votes against a measure are equal in number, and that measure requires a majority vote, the measure shall be deemed to have failed.

27.0409 Tie Votes of Candidates in a Primary Election

(a) If the results of the canvass of the returns of any District or City-wide Primary Election or special election reveal that three or more individuals seeking election to one office have received an equal and highest number of votes, the City Clerk shall, after entry of the results of such election by the Council in its records, notify those individuals receiving the tie vote in writing, and shall summon them before the Council. Two candidates for the District or City-wide General Election or special election shall be selected by drawing lots in a manner prescribed by the Council. The City Clerk may draw a lot for any individual who is absent. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

(b) If the results of the canvass of the returns of any District or City-wide Primary Election or special election reveal that two candidates have received an equal number of votes to place second in the election, the process to determine which of these candidates will appear on the District or City-wide General Election or special election ballot, shall be substantially the same as the process provided for in Section 27.0409(a).

27.0410 Tie Votes of Candidates in a General or Special Election

If the results of the canvass of the returns of any *District* or *City-wide General Election* or *special election* reveal that two or more individuals have received an equal and highest number of votes, the *City Clerk* shall, after entry of the results of such *election* by the *Council* in its records, notify those individuals receiving the tie vote in writing, and shall summon them before the *Council*. The winner shall be selected by drawing lots in a manner prescribed by the *Council*. The *City Clerk* may draw a lot for any individual who is absent. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

27.0411 Canvass of Returns

Immediately after an *election*, the *City Clerk* shall cause a canvass of the *election* returns to be made, and shall certify the results of such canvass to the *City Council*, which shall have entered in its records the following:

- (a) The whole number of votes cast in the *City*:
- (b) The names of the *candidates* and the office each sought:
- (c) The *measure* presented; and
- (d) The number of votes cast for each *candidate* and for and against each *measure*.

27.0412 Canvass of Returns to be Made Public

The results of the canvass of *election* returns shall be made available to the public in the Office of the *City Clerk* immediately upon receipt from the *Registrar*.

DIVISION 05

Ballots for Measures

27.0501 Purpose and Intent

The purpose and intent of this division is to clarify and consolidate all provisions for ballot measures in one division to better enable administration of these procedures and to provide for public participation in the process.

27.0502 Submission of Ballot Measures at City-wide Elections

Bond propositions and other measures may be submitted at any City-wide Primary or General Election, or at any City-wide special election held for that purpose.

27.0503 Ballot Question Adopted by Council

The City Council shall decide by ordinance the content of the ballot question for each ballot measure, within the word limit prescribed by the California Elections Code.

27.0504 Preparation of Ballot Title and Summary

The City Council may direct the City Attorney to prepare a ballot title and summary of any proposed measure. If so directed, the City Attorney shall place the title and summary on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed measure. The title and summary shall not exceed 500 words in length. The ballot title may differ from any other title of the proposed. In providing the ballot title and summary, the City Attorney shall give a true and impartial statement of the purpose of the proposed measure in language that shall not be an argument, or likely to create prejudice, for or against the proposed measure. The title and summary shall be printed in the voter pamphlet preceding any arguments for and against the proposed measure. The ballot title and summary constitute "ballot materials" within the meaning of Section 27.0103.

27.0505 Preparation of Impartial Analysis

The City Council may direct the City Attorney to prepare an impartial analysis of any proposed measure. If so directed, the City Attorney shall place the impartial analysis on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed measure. The analysis shall not exceed 500 words in length. The City Attorney shall prepare the analysis to show the effect of the measure on existing law and what the measure would do. If the measure affects the organization or salaries of

the Office of the City Attorney, the City Council may direct an appropriate official to prepare the analysis. The analysis shall be printed in the voter pamphlet preceding any arguments for and against the proposed measure. In the event the entire text of the measure is not printed on the ballot, nor in the voter pamphlet, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Proposition _____. If you desire a copy of the ordinance or measure, please contact the Office of the City Clerk at (insert phone number)."

A copy will be provided to the requestor at no cost. This requirement may be met by the Clerk's placement of an exact copy of the ordinance or measure on the Internet.

The impartial analysis constitutes "ballot materials" within the meaning of Section 27.0103.

27.0506 Preparation of Fiscal Impact Analysis

The City Council may direct the City Manager to prepare a fiscal impact analysis of the proposed legislative act. If so directed, the City Manager shall place the fiscal impact analysis on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed legislative act. The analysis shall not exceed 500 words in length. The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an opinion as to whether or not significant change in City finances would result if the proposed measure is adopted. The analysis shall be printed in the voter pamphlet preceding any arguments for and against the proposed legislative act.

27.0507 Order of Measures on Ballot

The City Council may by ordinance prescribe the order of measures placed on the ballot. Unless the City Council prescribes otherwise, the order shall be as follows:

(a) Initiative measures, including both measures placed on the ballot by petition and measures placed on the ballot by action of the City Council pursuant to Section 27.1001, in the order in which the ordinances placing the initiative measures on the ballot are adopted by the City Council;

(b) Bond measures in the order in which the ordinances placing them on the ballot are adopted by the City Council;

(c) Charter amendments in the order in which the ordinances placing them on the ballot are adopted by the City Council;

(d) Other legislative measures in the order in which the ordinances placing them on the ballot are adopted by the City Council;

(e) Referendum measures in the order in which the ordinances placing them on the ballot are adopted by the City Council; and

(f) Advisory matters in the order in which the ordinances placing them on the ballot are adopted by the City Council.

27.0508 Written Arguments

(a) The City Council, or any member or members of the City Council authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any City measure.

(b) The argument shall not exceed 300 words in length.

(c) The argument for and the argument against each measure shall be printed in the voter pamphlet provided with each sample ballot; provided that only those arguments filed pursuant to this section shall be printed in the voter pamphlet and included with the sample ballot. The printed arguments are "ballot materials" within the meaning of Section 27.0103.

(d) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument in Favor Of Proposition _____" or "Argument Against Proposition _____," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. The word "Measure" may be substituted for the word "Proposition" in such titles. Words used in the title shall not be counted when determining the length of any argument.

(e) A ballot argument shall not be false, misleading, or inconsistent with the requirements of this article.

27.0509 Argument Not Accepted without Names

(a) The City Clerk shall not accept a ballot argument for publication in the voter pamphlet unless it is accompanied by the name of the individual submitting it, or, If submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

(b) The voter pamphlet shall contain a maximum of five signatures with any argument submitted under this division. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

(c) At least one of the individuals submitting the argument must be a registered voter in the City of San Diego.

27.0510 Individuals Signing Arguments on Behalf of Organization

(a) An individual shall sign a ballot argument on behalf of an organization.

(b) A letter authorizing the individual to sign on behalf of the organization shall be filed with the City Clerk at the same time the argument is filed.

(c) If no letter authorizing the signature is filed with the argument, the individual's and organization's names shall not be used with the argument for publication in the voter pamphlet.

(d) If no letter authorizing the signature is filed with the argument, and if the individual is the only signer of the argument, then the argument shall not be printed in the voter pamphlet.

27.0511 Final Date for Arguments

The City Clerk shall determine and fix a reasonable date prior to each election after which no arguments for or against any measure may be submitted for printing and distribution to the voters. This deadline shall be based on the time reasonably necessary to prepare and print the arguments and sample ballots, and to permit the ten-calendar-day public examination as provided for in Sections 27.0402 and 27.0403. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

27.0512 Priority for Selection if More than One Argument Submitted

If more than one argument for, or more than one argument against, any measure is submitted to the City Clerk within the time prescribed, the City Clerk shall select one of the arguments in favor, and one of the arguments against, the measure for printing and distribution to the voters. In selecting the argument the City Clerk shall give preference and priority, in the order named, to the arguments of the following:

(a) The City Council, or member or members of the Council, including the Mayor, authorized by that body.

(b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters who are eligible to vote on the measure.

27.0513 Council Authorization of Ballot Arguments

(a) The City Council may by resolution authorize itself or individual members, including the Mayor, to sign a ballot argument in support of or in opposition to any measure placed on the ballot.

(1) The City Council may designate the Mayor to sign the argument on behalf of the Mayor and City Council;

(2) The City Council may designate the Mayor and individual members of the City Council to sign the argument; or

(3) The City Council may designate individual members of the City Council to sign the argument.

(b) Ballot arguments submitted and signed by individual members of the City Council, including the Mayor, but not authorized by resolution of the City Council, will be considered as submitted by individual voters for the purpose of selecting an argument for the sample ballot.

27.0514 No Rebuttal Arguments to be Published

Rebuttal arguments shall not be published in the voter pamphlet and the City Clerk may not accept a rebuttal argument for any City measure.

27.0515 Examination Period for Ballot Materials

There shall be a public examination period for all ballot materials filed with the City Clerk for any measure to be submitted to the voters pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.

DIVISION 06 22
Ballots for Candidates

27.0601 Purpose and Intent

The purpose and intent of this division is to provide guidance to candidates for elective office in the City of San Diego, to provide uniform procedures to better ensure a fair and impartial administration of these requirements, and in order that an informed voter may intelligently elect officeholders.

27.0602 Use of Title or Degree Prohibited

A candidate's title or degree shall not appear on the same line on the ballot as a candidate's name, either before or after the candidate's name for any elective office.

27.0603 2204 Designation of Principal Profession or Occupation Candidate's Title

The candidate's designation of principal profession, vocation or occupation constitutes "ballot materials" within the meaning of Section 27.0103. If a candidate desires his or her principal profession, vocation or occupation to be printed on the ballot, the candidate shall file with the City Clerk a statement indicating his or her designation of principal profession, vocation or occupation. Except as provided in Section 27.0603(b), the designation shall not be more than four words. Such statement shall be filed on a form provided by the City Clerk and shall contain a declaration by the candidate of the truth thereof. The statement shall be signed under California perjury laws, and shall be filed at the same time as the nomination papers. At the time a candidate files his Statement and Affidavit of Nominee, if he desires that his principal profession, vocation or occupation be designated on the ballot, he shall also file with the City Clerk a statement indicating his principal profession, vocation or occupation in not more than four words. Such statement shall be filed on a form provided by the City Clerk and shall contain a declaration by the candidate of the truth thereof. The statement shall be signed under penalty of perjury. The designation may be only one of the following:

(a) No more than four words. Candidates for office other than the incumbent may have printed on the ballot, in like manner words, not exceeding four in number, designating the The candidate may designate his or her principal profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of nomination papers.

(b) The candidate may use words designating the same elective city, county, district, state or federal office the candidate which he then holds shall at the time of filing nomination papers, if the candidate has been elected to that public office, or elected or

~~appointed to that judgeship. A candidate who is running for have printed on the ballot, immediately underneath his name, at his option, There shall be no word count limitation applicable to ballot designations submitted pursuant to Section 27.0603(b).~~

~~(c) The candidate may use the word "Incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office.~~

~~or not more than four words designating such elective office, or any other words not exceeding four in number designating the principal profession, vocation or occupation of the candidate.~~

~~(d) The candidate may use the phrase "Appointed Incumbent," "Appointed Mayor," or "Appointed City Attorney" if the candidate has been appointed to fill a vacancy in the office of Mayor or City Attorney, and is seeking to be elected to that office at the next election. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."~~

27.0604 Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation

The designation of principal profession, vocation or occupation submitted in accordance with this division shall also be subject to the City Clerk's Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation. The City Clerk's Administrative Guidelines shall be based on the Secretary of State's Ballot Designation Regulations, title 2, sections 20710-20719 of the California Code of Regulations, as modified for use in the City of San Diego.

SECTION 27.2202 - Sample Ballots

~~The Clerk shall have printed sample ballots in the form of and in a number sufficient to furnish for each precinct one copy to each voter in such precinct. Such ballots shall contain the words "Sample Ballot" on their face and shall be a substantial facsimile of the official ballots except in the quality and color of the paper used.~~

SECTION 27.2203 - Distribution of Sample Ballots

~~At least ten days prior to an election, the Clerk shall mail one copy of the sample ballot in the form to be used in each precinct to each voter in such precinct.~~

27.0605 Word Usage in Designation of Principal Profession, Vocation or Occupation

The designation of principal profession, vocation or occupation City Clerk shall not permit a designation which contain words such that any of the following would be true:

(a) The designation would mislead the voter.

(b) The designation would suggest an evaluation of a *candidate*, such as "outstanding," "leading," "expert," "virtuous," or "eminent."

(c) The designation abbreviates the word "retired," or places the word "retired" following any word or words which it modifies.

(d) The designation uses a word or prefix, such as "former" or "ex-," which means a prior status.

(e) The designation uses the name of any political party, whether or not that party has qualified for the ballot.

(f) The designation uses a word or words referring to a racial, religious, or ethnic group.

(g) The designation refers to any activity prohibited by law.

27.0606 Notification to Candidate if Designation Violates Restrictions

The City Clerk has no duty to verify the designation of principal profession, vocation or occupation. If, however, after reviewing the nomination papers, the City Clerk finds the designation to be in violation of any of the restrictions set forth in Sections 27.0603, 27.0604 or 27.0605, the City Clerk shall notify the *candidate*.

(a) The *candidate* shall, within three business days from the date of such notice, provide additional information to support the designation, if requested by the City Clerk, or provide an alternate designation to the City Clerk.

(b) In the event the *candidate* fails to provide the additional information or an alternate designation, no designation shall appear after the *candidate's* name on the ballot.

~~At the time a candidate files his Statement and Affidavit of Nominee, if he desires that his principal profession, vocation or occupation be designated on the ballot, he shall also file with the City Clerk a statement indicating his principal profession, vocation or occupation in not more than four words. Such statement shall be filed on a form provided by the City Clerk and shall contain a declaration by the candidate of the truth thereof. The statement shall be signed under penalty of perjury. The City Clerk shall not be required to verify a candidate's designated profession, vocation or occupation. No candidate shall assume a designation which would mislead the voters.~~

27.0607 Changing Designation of Principal Profession, Vocation or Occupation

A *candidate* may not change his or her designation of principal profession, vocation or occupation after the final date for filing nomination papers, except as specifically requested by the City Clerk as specified in Section 27.0606 or as provided for in

Section 27.0608.

27.0608 Designation to Remain the Same for Primary and General Election

The designation of principal profession, vocation or occupation shall remain the same for all purposes of the District or City-wide Primary Election and District or City-wide General Election, unless the candidate, at least ninety-eight calendar days prior to the District or City-wide General Election, requests in writing a different designation which the candidate is entitled to use at the time of the request. If, at any time prior to the district or City-wide General Election, a candidate ceases to engage in the particular profession, vocation or occupation designated in his or her statement, he the candidate shall immediately notify the City Clerk in writing, signed under penalty of perjury, of such fact, and the City Clerk shall, if said notification is received prior to the printing of the district or City-wide General Election ballot, remove such designation from the proposed ballot. If the candidate has indicated a new principal profession, vocation or occupation in his notification, the City shall enter said new designation on the ballot. If, at any time prior to the district or City-wide general election, a candidate notifies the City Clerk in writing, signed under penalty of perjury, of his desire to alter the designation selected within the requirements of this section, the City Clerk shall, if said notification is received prior to the printing of the district or City-wide general election ballot, enter such new designation on the ballot. Subject to the above provisions, the designation shall remain the same on the ballot for both the district or City-wide primary and district or City-wide general elections.

(Section numbers 27.0609 through 27.0619 reserved for future use)

27. 0620-2204 Statement of Candidates' Qualifications

The candidate's statement of qualifications constitutes "ballot materials" within the meaning of Section 27.0103. Candidates for elective office may prepare a statement of qualifications on a form provided by the City Clerk. Such statement may include the name, age, occupation and education of the candidate and a brief description of the candidate's qualifications expressed by the candidate and limited to matters concerning only the candidate without reference to opponents or anyone else by name. The statement may include the names of family members. Any other names included in the statement must be authorized in writing by the individual or organization whose name is included in the statement. The consent of an organization shall be signed by an officer or other duly authorized representative. Such authorization must be filed at the same time as the statement of qualifications or the name will not be permitted in the statement. The statement shall not exceed 200 words in length. Printed material on the statement shall be of uniform type size. Boldface type or underscoring may be used for emphasis. The statement shall be filed in the Office of the City Clerk at the following times:

(a) When nomination papers are returned for filing by candidates whose names will appear on the ballot for a District or City-wide Primary Election, and

(b) Within ninety-eight calendar days following the District or City-wide Primary Election for candidates whose names will appear on the ballot for a District or City-wide General Election.

27.0621 Certain Statements Prohibited

(a) The statement shall not refer, either directly by name, or indirectly by title, description or other allusion, to any other candidate or officeholder or to any other candidate's or officeholder's qualifications, character or activities.

(b) The Such statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations.

Such statement, which shall not exceed 200 two hundred words; shall be filed in the Office of the City Clerk at the following times:

~~(1 a) When nomination papers are returned for filing by candidates whose names will appear on the ballot for a District or City-wide Primary Election, or~~

~~(2 b) Within three (3) days following the District or City-wide Primary Election for candidates who will be on the District or City-wide General Election ballot.~~

(c) The statement shall not contain language which is prohibited by law to be sent through the mail.

(d) The statement shall not contain matter that is unrelated to the candidate.

(e) The statement shall not contain obscene, vulgar, profane, scandalous, libelous or defamatory matter or language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward any individual or group of individuals by reason of race, color, religion or manner of worship.

27.0622 Notification to Candidate if Statement Violates Restrictions

The City Clerk has no duty to verify the statement of qualifications. If, however, after reviewing the nomination papers, the City Clerk finds a portion of the statement of qualifications to be in violation of any of the restrictions set forth in Section 27.0620 or Section 27.0621, the City Clerk shall notify the candidate.

(a) The candidate may, within three business days from the date of such notice, provide an alternate statement to the City Clerk.

(b) In the event the candidate fails to provide alternate language, the statement of

qualifications shall appear in the voter pamphlet as amended by the City Clerk to delete those portions of the statement that are in violation.

27.0623 Statement May be Withdrawn

The statement may be withdrawn but not changed during the period for filing the nominating nomination papers-petitions and until 5 p.m. of the next working business day after the close of the nomination period or during other prescribed filing periods and until 5 p.m. of the next working business day after the close of such period. Statements received by the City Clerk shall be kept confidential until the expiration of the filing period.

27.0624 Candidate's Photograph

If the *candidate* desires to have his or her photograph picture appear ~~on his~~ with the statement of qualifications, ~~he~~ the candidate shall submit a black and white, glossy photographic print, preferably 8 by 10 inches in size, but no smaller than 5 by 7 inches in size. Only the head and shoulders portion of the ~~candidate's~~ photograph shall be reproduced on the statement; other images appearing in ~~on~~ the photograph submitted shall be excluded by cropping. All photographs pictures in the leaflet voter pamphlet containing *candidates'* statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a ~~the~~ *candidate's* format for printed materials. ~~Printed material on the statements shall be of uniform type size. Boldface type or underscoring may be used for emphasis.~~

27.0625 Clerk's Duty to Send Voter Pamphlet

The City Clerk shall send to each *voter*, together with the sample ballot, a *voter's pamphlet* which contains the written statements of each *candidate's* qualifications and photograph that are ~~is~~ prepared pursuant to this division.

~~The Clerk shall reject any statement which contains: (1) any language or matter the circulation of which through the mails is prohibited by Congress, (2) any mention of party affiliation of the candidate or membership or activity in partisan political organizations, (3) any matter not relating to the candidate, or (4) any of opponents or other persons by name. The statement shall not contain any obscene, vulgar, profane, scandalous, libelous or defamatory matter or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship.~~

27.0626 Liability for False Statement of Qualifications

Nothing contained in this these sections shall be deemed to make any such statement

of qualifications or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the *voter's pamphlet*.

27.0627 Candidate's Statement of Qualifications to be Provided at No Cost

The statement of candidate's qualifications and photograph ~~These services~~ shall be provided by the City at no cost to *candidates* for *City elective offices* whose names shall appear on the ballot of the *District or City-wide Primary Election*, or ~~and~~ the *District or City-wide General Election*.

27.0628 No Statement of Qualifications for Write-In Candidates

No statements for Write-in *Candidates* ~~will~~ shall be included in the *voter pamphlet* ~~sample ballot~~.

(Section numbers 27.0629 through 27.0633 reserved for future use)

27.0634-27.2204.1 Listing of Candidates on Ballots

Names of *candidates* as they shall be listed on ballots shall be determined in the following manner:

(a) At the ~~Regular~~ *City-Wide Primary Election* and the *City-wide General Election* of the Mayor or City Attorney, or at any *City-wide special election*, the order of the names of *candidates* shall be rotated by *Council District* so that the first name listed on the ballot in District 1 shall be second in District 2 and the name listed last in District 1 shall be listed first in District 2 and then be second in District 3 and so on through all the districts. The order of the names as they shall be listed in District 1 shall be determined by the *City Clerk* by lot.

(b) At any ~~Regular~~ *District Primary Election* or any *District General Election* for *Councilmanic Office*, the order of names of *candidates* as they shall appear on the ballot shall be determined by the *City Clerk* by lot.

27.0635 Disqualification of Candidates between Primary and General Election

If a candidate whose name would appear on the ballot for any District or City-wide General Election or special election dies, withdraws or is disqualified, and if proof is presented to the City Clerk prior to the time the ballots for the District or City-wide General Election or special election are printed, the individual who received the next highest number of votes of those who were candidates for such office in the District or City-wide Primary Election, shall be deemed a candidate, and his or her name shall be printed on the ballot for use at the District or City-wide General Election or special election.

27.0636 27.2205 Counting of Write-In Votes

To clarify the process for selection of *candidates* described in Section 10 of the Charter of The City of San Diego as modified by *Canaan v. Abdelnour*, 40 Cal. 3d 703 (1986), the following shall apply: Write-in *candidates* are permitted in all municipal *elections* and *special elections*. Any name written upon a municipal *election* or *special election* ballot, including a reasonable facsimile of the spelling of such name, shall be counted ~~unless prohibited by Section 27.0637 of this article~~, for the office for which it was written, if it is written in the blank space provided therefor, unless prohibited by the provisions of Section 27.0637 of this article.

27.0637 27.2205.1 Qualification for Declaration of Write-In Candidacy Required

A write-in candidate's No name written upon a ballot in any election shall be counted only if for an office or nomination unless, pursuant to Sections 27.3202, 27.3205, 27.3206 and 27.3207, there has been filed in the Office of the City Clerk, a declaration of write-in candidacy, nomination nominating papers, and filing fee or petition in-lieu of nominating and the filing fee have been filed in the Office of the City Clerk during the filing period for write-in candidates.

SECTION 27.2206 - Canvass of Returns

~~Immediately after an election, the Clerk shall cause a canvass of the election returns to be made, and shall certify the results of such canvass to the Council, which shall have entered in its records the following:~~

- ~~(a) The whole number of votes cast in the City;~~
- ~~(b) The names of the persons running and the office each sought;~~
- ~~(c) The measure presented;~~
- ~~(d) The number of votes cast for each person and for and against each measure;~~
- ~~(e) A statement that the number of votes cast in each precinct for each person and for and against~~

~~each measure are recorded in the Election Returns Book, which book is hereby authorized and shall be considered a part of the Council's records.~~

SECTION 27.2207 - Canvass of Returns to be Made Public

~~The results of the canvass of election returns shall be made available to the public in the office of the Clerk immediately upon receipt by him from the Registrar.~~

27.0638 Examination Period for Ballot Materials

There shall be a public examination period for all ballot materials filed with the City Clerk for any candidate election pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.

DIVISION 07
General Provisions for Filling Vacancies in Elective Offices

27.0701 Purpose and Intent

The Charter of The City of San Diego requires the City Council to fill a vacancy in the offices of the Mayor and City Attorney within thirty business days by appointment; and failing to do so within that time, the City Council is required to immediately cause an election to be held to fill such vacancy. The Charter provides that if a vacancy occurs in the office of a City Council District and there is one year or less remaining in the term, the City Council shall appoint an individual to fill the vacant seat. If the vacancy occurs with more than one year remaining in the term, the Charter requires the City Council to call a special election to fill such vacancy. The purpose and intent of this division is to establish uniform provisions for filling a vacancy in any elective office.

27.0702 Reason for Vacancy

A vacancy may occur as a result of death, resignation, un-excused absences, or a recall election.

27.0703 Date of Vacancy

(a) If a vacancy occurs by reason of resignation, the date of the vacancy will be the date specified in the written letter of resignation or, if there is no date certain specified in the letter, upon the date of receipt of the letter by the City Clerk.

(b) If a vacancy occurs by reason of death or un-excused absences, the date of the vacancy will be the date of adoption of the City Council's Declaration of Vacancy.

27.0704 Council to Adopt Declaration of Vacancy

As soon as it is known that a vacancy exists in any elective office by reason of death or un-excused absences, the Council shall adopt a Declaration of Vacancy at its next regularly scheduled meeting, or at a special meeting called for that purpose. The Declaration of Vacancy shall include the name of the elective office that is vacant and the reason for the vacancy.

27.0705 Alternative of Appointment or Election

(a) As soon as it is known that there will be a vacancy in the office of the Mayor or City Attorney of The City of San Diego, for any reason other than a successful recall election, the presiding officer of the City Council shall, at the next regularly scheduled Council meeting, or at a special meeting called for that purpose, consider the question of whether the vacancy shall be filled by appointment or special election.

(b) As soon as it is known that there will be a vacancy in the office of a Councilmember of The City of San Diego, for any reason other than a successful recall election, the decision to fill the vacancy by appointment or special election shall be determined by the length of time remaining in the term of office.

27.0706 Letter of Resignation May be Withdrawn

A letter of resignation containing an effective date may be withdrawn in writing if that request is filed with the City Clerk no later than the business day before the City Council meets in accordance with Section 27.0705, or calls a special election if an election is required by the City Charter.

27.0707 Procedures to Fill Vacancy

(a) When a vacancy is to be filled by appointment, the City Council shall fill such vacancy in accordance with the provisions set forth in Division 8 of this article.

(b) When a vacancy is to be filled by special election, the City Council shall fill such vacancy in accordance with the provisions set forth in Division 9 of this article.

(c) When a vacancy occurs by reason of a successful recall election, the City Council shall fill such vacancy in accordance with the provisions set forth in the recall procedures in this article.

27.0708 Effect of Redistricting on Filling a Vacancy in Council Office

If a vacancy occurs for any reason, and if redistricting has occurred between the date of the election of the officeholder and the date of the vacancy, the redistricting will have no effect on the boundaries used to determine who is eligible to fill the vacancy, either by appointment or special election. The boundaries used to fill the vacancy will be the same as those used in the original election, and all the following requirements shall be met:

(a) A candidate for appointment or election will be a resident and voter from within the district boundaries as they existed prior to redistricting.

(b) In order to be counted as valid, nominating signatures must come from voters registered within the district boundaries as they existed prior to redistricting.

(c) A special election held to fill a vacancy will be held within the district boundaries as they existed prior to redistricting.

27.0709 Term of Office

(a) The term of office for an individual elected to fill a vacancy pursuant to Division 9 of this article shall commence at the time the City Council adopts the resolution declaring the results of such election to the vacant office, and shall expire at 10:00 a.m. on the first Monday after the first day in December following the next District or City-wide General Election to fill that office, at the same time that the terms of other elective officers expire .

(b) The term of office for an individual appointed to fill a vacancy pursuant to Division 8 of this article shall commence at the time the City Council adopts the resolution appointing that officer to fill the vacancy, and shall expire at 10:00 a.m. on the first Monday after the first day in December following the District or City-wide General Election to fill that office, at the same time that the terms of other elective officers expire.

(c) The City Clerk or other qualified individual shall administer the oath of office to the elected or appointed officer at the time the term of office begins.

DIVISION 08 34
Procedure for Filling Vacancies in Elective Offices by Appointment

27.0801 3101 Purpose and Intent

~~The Charter of The City of San Diego requires the City Council to fill a vacancy in the elective offices of the Mayor and the City Attorney within thirty (30) days by appointment and failing to do so within that time, the Council shall immediately cause an election to be held to fill such vacancy. The Charter provides that if a vacancy occurs in the office a Council District and there is one (1) year or less remaining in the term, the Council shall appoint a person to fill the vacant seat. If the Council vacancy occurs with more than one (1) year remaining the term, the Council shall call a special election to fill such vacancy. The purpose and intent of this division is to establish an orderly procedure for the City Council to follow in making any appointment to an elective office; and for all persons individuals interested in being appointed to the vacant office to follow in presenting their applications for consideration by the City Council; and at the same time to allow for public participation in the selection process. When a Council vacancy occurs with more than one (1) year remaining in the term, the Council shall fill such vacancy in accordance with the provisions set forth in Charter Section 12(h), and in Municipal Code sections 27.2001 through 27.3211 as applicable. If a position is to be filled by appointment, the procedures provided for in this division shall be followed.~~

27.3102 - ~~Special Meeting to Consider the Alternative of Appointment or Election~~

~~As soon as it is known that there will be a vacancy in the office of the Mayor or City Attorney of The City of San Diego by reason of a resignation or that there exists a vacancy in such elective office by reason of a death or other unexpected circumstance, the presiding officer of the Council shall immediately call a special meeting of the Council to consider the question of whether the vacancy shall be filled by an appointment or an election. In the case of a vacancy in the office of a Council District where there will be less than one (1) year remaining in the term, the presiding officer of the Council shall call a special meeting for the public hearing required by Section 27.3105. In the instance of resignation, a notification containing the effective date of resignation shall be received in the office of the City Clerk for a vacancy to occur. Unless otherwise specified, a resignation is effective when received. If a position is to be filled by appointment, the procedures provided for in this Division shall be followed.~~

27.0802 Deadline for Filing Application Forms

(a) If a vacancy exists by reason of death or un-excused absences, the deadline for filing application forms with the City Clerk shall be fourteen calendar days after the date of the vacancy, as determined by Section 27.0703(b).

(b) If an actual or expected vacancy will exist by reason of a resignation to take effect at some future time, the deadline for filing applications shall be one of the following:

(1) if there are at least fourteen calendar days between the time of the publication required by Section 27.0803 and the date of vacancy, the deadline shall be the day before the vacancy occurs;

(2) If there are less than fourteen calendar days between the publication required by Section 27.0803 and the date of vacancy, the deadline shall be fourteen calendar days after the date of publication or after occurrence of the vacancy, whichever first occurs.

27.0803 ~~27.3403~~ Notice to be Published by Clerk

(a) If a vacancy exists by reason of death or un-excused absences, and the elective office is to be filled by appointment, the City Clerk shall publish within five (5) calendar days of the date of occurrence of the vacancy, as determined by Section 27.0703(b), the following notice in a paper of general circulation within the City of San Diego:

A vacancy exists in the office of (Mayor), (Councilmember, 1st through 8th District), or (City Attorney). Interested applicants may obtain information and forms at the Office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City Clerk by close of business, 5:00 p.m. on (insert date fourteen ~~(14)~~ calendar days after the date of the occurrence of vacancy).

(b) If an actual or expected vacancy will exist by reason of a resignation to take effect at some future time, ~~or by reason of an expected resignation at some future time~~, the City Clerk shall publish within a reasonable time the following notice:

A vacancy will exist in the office of (Mayor), (Councilmember, 1st through 8th District), or (City Attorney) on (date vacancy expected to occur). Interested applicants may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the Office of the City Clerk by close of business, 5:00 p.m. on (insert date of the day before vacancy occurs if at least a fourteen ~~(14)~~ calendar day interval exists between publication and date of vacancy; if not, insert date fourteen ~~(14)~~ calendar days after date of publication or fourteen ~~(14)~~ calendar days after occurrence of vacancy, whichever first occurs).

27.0804 ~~27.3404~~ Application Forms and Requirements

~~(a)~~ Applicants for appointment to *elective office* shall file with the City Clerk on or before the date for return of applications as published by the City Clerk under Section 27.0803 ~~3403~~, the following:

~~(a)(1)~~ Background information certified by the applicant that it is true and correct, signed under penalty of California perjury laws, under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure disclosing the following:

~~(1)~~ ~~(A)~~ Name.

~~(2)~~ ~~(B)~~ Current address.

~~(3)~~ ~~(C)~~ Length of residence at current ~~above~~ address, and address for past five ~~(5)~~ years if other than the current address above.

~~(4)~~ ~~(D)~~ Date of birth.

~~(5)~~ ~~(E)~~ Marital status.

~~(6)~~ ~~(F)~~ Social Security Number.

~~(7)~~ ~~(G)~~ Business or occupation engaged in during the past five ~~(5)~~ years together with address of and dates of service with each such business or occupation.

~~(8)~~ ~~(H)~~ Branch, dates and rank at discharge of military service.

~~(9)~~ ~~(I)~~ Education starting with ~~from~~ high school to highest level attained together with the name of each educational institution attended and any degree or diploma received.

~~(10)~~ ~~(J)~~ Statement of Economic Interests Form ~~721-700~~.

~~(b)~~ ~~(2)~~ A statement signed under penalty of California perjury laws from a medical doctor licensed to practice medicine in the State of California describing in general terms the physical and mental health of the applicant and certifying that the applicant is physically and mentally capable of performing the duties of the office the applicant is seeking.

~~(c)~~ ~~(3)~~ A statement of qualifications not longer than ~~one hundred~~ ~~(100)~~ words expressing in the applicant's own words the reasons why the applicant believes he or she is qualified for the office. Except for the 100 word limit set by Section ~~27.0804~~ ~~3104~~ ~~(c)~~ ~~(a)~~ ~~(3)~~, this statement shall conform to the requirements set forth in Section 27.0620 and 27.0621 ~~27.2204~~, as they it pertains to the contents of the statement.

~~(d)~~ ~~(4)~~ A petition with the signatures of fifty ~~(50)~~ registered voters in form and content similar to that required by the nomination procedures in this article. ~~Section 27.2104 of this Code.~~

(e)(5) A statement signed under penalty of California perjury laws that the applicant complies with the requirements of Section 27.0119 ~~27.2023~~ and has been a resident and voter elector of the City in the case of the Mayor or City Attorney, or of the district in the case of Councilmembers other than the Mayor, for at least thirty ~~(30)~~ calendar days prior to the date of making application for appointment.

27.0805 Responsibilities of the City Clerk

(b) ~~(a)~~ The City Clerk shall furnish each applicant with a copy of this division and shall advise each applicant of the dates set by the City Council for public hearings on the applications.

(e) ~~(b)~~ The City Clerk shall cause a police and credit check to be conducted on each applicant. Each applicant shall be informed by the City Clerk that a police and credit check will be made on the applicant and that the City Council will be informed of the results thereof.

27.0806 ~~3405~~ Public Hearings

Before any appointment to fill a vacancy in an *elective office* may be made, the City Council shall hold at least one ~~(1)~~ public hearing for the purpose of considering the applications for appointment. The hearing shall be held a reasonable time after the period for filing applications has ended as provided in Section 27.0802-3403. ~~A second public hearing may be held if there are additional questions or if additional time for discussion is needed by the City Council prior to making the appointment. In the instance of~~ If a vacancy occurs in the office of the Mayor or City Attorney, or in the office of a Council District where there will be less than one (1) year remaining in the term, the date of the public hearing shall be established and set by the City Council in the special meeting required to be held to determine whether the vacancy will be filled by an appointment or special election. by Section 27.3402. In the case of a vacancy in the office of a Council District where there will be less than one (1) year remaining in the term, the presiding officer of the Council shall call this hearing. A second public hearing may be held if there are additional questions or if additional time for discussion is needed by the City Council prior to making the appointment.

27.0807 ~~3406~~ Public Hearing and Appointment

(a) At the public hearing required by Section 27.0806 ~~3405~~, each applicant shall be allowed three ~~(3)~~ minutes to make a presentation to the City Council in support of the applicant's candidacy for appointment. At the discretion of the presiding officer, City Council members may ask brief questions for clarification concerning either the presentation or matters contained in the application filed with the City Clerk. Applicants shall also be expected to answer questions from City Council members concerning their candidacy. Such questions may concern but need not be limited to the *candidate's*

background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues.

(b) At the conclusion of the public hearing or at a later meeting, the City Council may then, ~~or at a later meeting~~, adopt a resolution appointing ~~a person~~ an applicant to fill the vacancy.

27.0808 ~~3107~~ Optional Second Public Hearing and Appointment

(a) If, during the public hearing required by Section 27.0806 ~~3105~~, the City Council determines that there are too many *candidates* to consider in a single public hearing, the procedures outlined in Section 27.0808 ~~3107~~ may shall be used.

(b) Before the conclusion of the first public hearing, the City Council shall select at least four ~~(4)~~ but no more than six ~~(6)~~ applicants to appear at the second public hearing. After the selection is made, the presiding officer shall announce the names of the applicants invited to appear at the second public hearing and set the date and time of such hearing.

(c) At the second public hearing, applicants invited to appear shall be expected to answer questions from City Council members concerning their candidacy. Such questions may concern but need not be limited to the *candidate's* background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues.

(d) At the conclusion of the second public hearing the City Council may then, or at a later meeting, adopt a resolution appointing ~~a person~~ an applicant to fill the vacancy.

27.0809 ~~3108~~ Election of Appointed Councilmember Prohibited

Any ~~person~~ individual appointed by the City Council to fill a vacant City Council District seat shall not be eligible to run for that office for the next succeeding term.

~~27.3109~~ Ballot Designation of Persons Appointed to Fill Vacancies in the Office of the Mayor or the City Attorney

~~Anything to the contrary in Section 27.2201 notwithstanding, a person appointed to fill a vacancy in the office of the Mayor or the City Attorney, and seeking to be elected to that office at the next election, and desiring to indicate his or her appointed incumbency or the title of the appointed office, shall be designated on the ballot at that election only in such a manner as to indicate that the person occupies such office by virtue of appointment rather than election. Without limitation and purely as examples, acceptable forms of designation are: "Appointed Incumbent," "Appointed Mayor," "Appointed City Attorney." The maximum number of words that may be used as a ballot designation as provided by Section 27.2201 is four.~~

DIVISION 09 24

Vacancies

Procedure for Filling Vacancies in Elective Offices by Special Election

27.2401 Disqualification of Candidates

~~If a candidate for election dies, withdraws or is disqualified, and if proof is presented to the Clerk prior to the time the sample ballots for any election are printed, the person who received the next highest number of votes of those who were candidates for such office shall be deemed a candidate, and his name shall be printed on the sample ballot for the use at the district or City-wide general election.~~

27.0901 Purpose and Intent

The purpose and intent of this division is to establish an orderly procedure for the City Council to follow in conducting a *special election* to fill a vacant office. It is the intent of this division that these procedures be the same for filling vacancies in all *elective offices*. This includes the offices of Mayor, City Attorney, and City Council. If a position is to be filled by *election*, the procedures provided for in this division shall be followed.

27.2403 Date of Election

~~Elections called by the Council to fill a vacant elective office shall be held so that the successful candidate shall assume office within one hundred fifty days of the date that the district or City-wide primary election is called.~~

27.0902 Special Election to be Called

If a vacancy occurs for any reason other than a successful recall *election*, and the vacancy is to be filled by *election*, the City Council shall immediately call a *special election* to be held within ninety calendar days of the vacancy, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy. If there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy, the City Council may consolidate the *special election* with that regular *election*.

27.0903 Nomination Procedures

Candidate nominations shall be conducted in accordance with the provisions of the nomination procedures in this article.

27.0904 Special Election to Conform to Other Elections

To the extent practicable, when a vacancy in any *elective office* is to be filled in

accordance with this division, the City Clerk shall conduct the special election in a manner conforming to other candidate election procedures, including procedures for write-in candidates, in this article.

27.0905 If Majority of Votes Cast

If one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the City Council to be elected to the vacant office.

27.0906 If No Majority of Votes Cast, Run-off Required

If no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within forty-nine calendar days of the first special election, unless there is a regular municipal, statewide, or countywide election scheduled to be held within ninety calendar days of the proposed special run-off election date, at which time the City Council may consolidate the special run-off election with that regular election. The two candidates receiving the highest number of votes cast for the vacant seat in the first special election shall be the only candidates for the vacant seat; and, the names of only those two candidates shall be printed on the ballots to be used at the run-off election.

27.2402 Special Election

~~If a special election is called by the Council to fill a vacant elective office, the election shall include a district or City-wide primary and a district or City-wide general election and shall be conducted, as far as practical, under the provisions of this Article.~~

27.2404 27.0907 Declaration of Result Date to Assume Office

~~The candidate receiving the highest number of votes at a special deemed elected at either the special election or at the special run-off election called by the City Council to fill a vacant elective office shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the Council adopts the resolution declaring the results of such election to the vacant office. as soon as he has complied with applicable requirements of the law imposed on candidates at general elections.~~

DIVISION 25 10

Initiative

27.2504 27.1001 Subjects of Initiative

Any proposed legislative act or proposed amendment or repeal of an existing legislative act may be submitted to the City Council by an initiative *petition* filed in the ~~Office~~ of the City Clerk. The City Council may also submit ~~to the people for vote~~ a proposed legislative act, or proposed amendment or repeal of an existing legislative act, to the voters without having first received a *petition* therefor.

27.2504 27.1002 Notice of Intention to be Published

~~No~~ An initiative *petition* may not be circulated for signatures ~~in the City~~ until the *proponents* has published at least once in a daily newspaper of general circulation a notice of intention to do so. The notice of intention shall contain the proposed legislative act in full and a the statement of reasons for the petition prepared in accordance with Section 27.1010 containing, in three hundred ~~(300)~~ words or less, the reasons for the petition. The ~~statement must be signed by the individual proposing the petition, or in the case of an organization, by two officers.~~

27.2505 27.1003 Notice of Intention, Signed Statement of Reasons, and Affidavit of Publication to be Filed with Clerk

Within ten calendar days after publication of the notice of intention to circulate an initiative *petition* for signatures, the *proponents* shall file, ~~in the office of the Clerk,~~

- (a) a copy of the notice, ~~and the statement as published;~~
- (b) the statement of reasons prepared in accordance with Section 27.1010 and including the original signature of the individual initiating the proposed legislative act or, if the proponent is an organization, the original signatures of two officers of the organization; and
- (c) an affidavit of publication. The affidavit of publication shall be in a form satisfactory for the City Clerk's verification of publication.

All shall be filed in the Office of the City Clerk.

27.1004 Initiative Petition Circulators

An initiative petition may be circulated for signatures by a paid signature gatherer or by a volunteer.

27.1005 **(reserved for future use)**

27.1006 **(reserved for future use)**

27.2506 27.1007 Circulation of Time to Begin Circulating Initiative Petition

An initiative *petition* may not be circulated for signatures on until:

(a) the twenty-first calendar day after publication of the notice of intention ~~and statement~~;
and

(b) the filing requirements of Section 27.1003 have been met.

27.2509 27.1008 Petition Contents - Initiative Contents of Initiative Petition

(a) Initiative ~~P~~*petition* forms shall be furnished by the *proponents*.

(b) The *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches ~~or~~ and no greater than 8-1/2 by 14 inches.

(c) The *petition* may consist of any number of sections. Each section shall contain the following items (1) through (4) in the order specified:

~~(a)~~ (1) First, ~~a sheet, or~~ One or more sheets; setting forth the proposed legislative act in full prepared in accordance with Section 27.1009, ~~and the statement containing the reasons for the petition. The material shall be printed in clear, readable type no less than 10-point.~~

(2) A statement of reasons for the *petition* prepared in accordance with Section 27.1010.

~~(b)~~ (3) Second, One or more voter signature sheets ~~which shall be arranged and lined to provide space for the voter's signature, printed name and place of residence. A space at least one inch wide shall be left blank, on the right hand side of the sheet, for the use of the Clerk in verifying the petition prepared in accordance with Section 27.1011.~~ Any number of voter signature sheets may be incorporated in into a petition section.

~~(c)~~ (4) Third, ~~an~~ A circulator's affidavit of authenticity sheet to be filled out prepared and signed in accordance with Section 27.1014 ~~and signed by the individual who circulated the petition section.~~

(d) The sheets comprising each *petition* section shall be fastened together securely and remain so during circulation for signatures and filing submittal to the City Clerk.

~~27.2507~~ Contents of Petition

~~An initiative petition shall set forth the proposed legislative act in full, and shall be followed by a statement containing in three hundred words or less, the reasons for the petition. The statement must be signed by the individual proposing the petition, or, the in the case of an organization, by two officers.~~

~~27.2508~~ 27.1009 Form of Initiative Petition

~~Any *petition* initiating a proposed legislation legislative act shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:~~

INITIATIVE PETITION

To the Honorable City Council of The City of San Diego, ~~California~~:

We, the undersigned registered voters of The City of San Diego, California, by this petition hereby respectfully propose the following ~~legislation~~ legislative act be adopted by the City Council or submitted to the registered voters of The City of San Diego for their adoption or rejection:

(NOTE: Here insert a copy of the published notice of intention containing the proposed ~~legislation~~ legislative act in full ~~followed by the accompanying and the statement of reasons prepared in accordance with Section 27.1010; the voter signature sheets prepared in accordance with Section 27.1011; and the circulator's affidavit of authenticity prepared in accordance with Section 27.1014.~~)

Signature of <i>Proponent</i>	Residence	Date
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(NOTE: ~~If an organization is proposing legislation, the statement shall be signed by two officers of the organization.~~)

27.1010 Form of Statement of Reasons for Initiative Petition

The statement of reasons shall set forth the reasons for the initiative *petition*. It shall contain no more than 300 words. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. It shall be signed by the individual initiating the proposed legislative act or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the proponent may be reached.

27.1011 Form of Voter Signature Sheets for Initiative Petition

(a) On the right hand side of each voter signature sheet, a space at least one inch wide shall be left blank for the City Clerk's use in verifying the validity or invalidity of the signatures. Voter signature sheets shall be arranged and lined to provide space for each voter's signature, each voter's printed name, place of each voter's residence, and date of each voter's signature.

(b) Above the signature portion of each voter signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

"NOTICE TO THE PUBLIC

**THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER
OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."**

(c) The signature portion of the sheet shall be in substantially the following form:

<u>Name</u>	<u>Residence</u>	<u>Date</u>	<u>Clerk's Use Only</u>
<u>1. Sign</u>			
<u>Print</u>			
<u>2. Sign</u>			
<u>Print</u>			
<u>3. Sign</u>			
<u>Print</u>			

27.2512 27.1012 Petitioners' Information - Initiative Signing Voter's Information for Initiative Petition

Signatures on the voter signature sheets shall be executed by voters in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and . Voters must indicate place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post eOffice box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that voter's signature invalid.

27.1013 Circulator's Affidavit of Authenticity for Initiative Petition

Each initiative petition section shall have attached to it an affidavit of authenticity of the circulator, signed by the circulator under California perjury laws.

27.2510 27.1014 Affidavit of Authenticity – Initiative Form of Circulator's Affidavit of Authenticity for Initiative Petition

Each initiative petition section shall have attached to it an affidavit of authenticity of the voter circulator in the following form:

The circulator's affidavit of authenticity shall have the following form:

AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO)
STATE OF CALIFORNIA) ss.

_____, under penalty of perjury, says:

(Printed name of circulator)

Under penalty of perjury I, (printed name of circulator), declare: That I am a registered voter of The City of San Diego; and that all of the signatures on each sheet the voter signature sheets of this petition section were made in my presence and were observed by me; and that all of the sheets constituting this petition section were fastened together at the time such signatures were appended thereto made; and that, to the best of my knowledge and belief, such signatures are the genuine signatures of the persons whose names purpose to be hereunto subscribed, individuals who signed the petition; and that the signatures were obtained between:

_____ and _____
(Beginning date of circulation) (Final date of circulation)

(Residence) (Signature)

(Circulator's Printed Name) (Circulator's Signature)

(Circulator's Residence) (Date Signed by Circulator)

27.1015 (reserved for future use)

27.1016 (reserved for future use)

27.2514 27.1017 Signatures on Initiative Petition

Only voters may sign the voter signature sheets of an initiative petition. Signatures of individuals who are not voters shall be invalid. ~~Signatures invalidated by the Clerk may not be counted.~~

27.2519 27.1018 Withdrawal of Signature from Initiative Petition

~~Any person signing a petition or supplemental petition individual who has signed an initiative petition's voter signature sheet may withdraw his or her signature by filing a written request bearing his or her name, address and signature in the eOffice of the City Clerk prior to the time the petition or supplemental petition containing his signature is filed.~~

27.1019 Time for Submitting Initiative Petition to Clerk

An initiative petition may be submitted to the Office of the City Clerk any time within 180 calendar days following the publication of the notice of intention to circulate.

27.2513 27.1020 Duration of Petition's Validity and Filing of Petition Submitting Initiative Petition to Clerk

~~An initiative petition is valid for a period of one hundred eighty days following the publication of the notice of intention to circulate.~~

(a) The initiative petition shall be filed in submitted to the Office of the City Clerk by the proponents of the initiative or by any person or persons individual authorized in writing by the proponents. All sections of the petition shall be filed submitted at one time. The Clerk shall not accept a petition that is not in substantial compliance with Sections 27.2504 through 27.2512, and this Section of the Code.

(b) Six copies of the initiative petition with unsigned voter signature sheets shall be submitted to the Office of the City Clerk at the same time as the petition is submitted pursuant to this section.

~~When the petition is presented for filing, the Clerk shall determine the total number of signatures affixed to the petition. If, from this examination the Clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number required, the Clerk shall accept the petition for filing. The petition shall be deemed as filed on that date. Any sections of the petition not so filed shall be void for all purposes.~~

27.1021 Acceptance or Rejection of Initiative Petition as Filed

(a) The City Clerk shall not accept a petition that is not in substantial compliance with this division.

(b) When the initiative *petition* is submitted, the City Clerk shall determine that day the number of signatures affixed prima facie to the *petition*.

(1) If the City Clerk determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City Clerk shall accept the *petition* as filed.

(2) If the City Clerk determines that the number of signatures, prima facie, is fewer than the minimum number required, the City Clerk shall reject the *petition* and treat it as not filed.

(c) Any *petition* sections not accepted as filed in accordance with Section 27.1021 shall be void for all purposes.

27.2544 27.1022 Verification of Initiative Petition Signatures; Time; Random Sampling

(a) The City Clerk shall be allowed a period of thirty calendar days after the filing of an initiative *petition* has been accepted as filed to examine and verify the validity or invalidity of signatures of the petitioners. He shall indicate on each petition the date on which it was filed and the name of the person by whom it was filed.

(b) Signatures may be verified by use of ~~the~~ The random sampling method set forth in Section 3708 of the California Elections Code may be used for verification of signatures.

(c) To determine the sufficiency or insufficiency of an initiative *petition*, the City Clerk shall only count valid signatures.

(d) If the *circulator's* affidavit of authenticity for any given *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

~~In the event that any elector of the City of San Diego challenges the determination of the sufficiency of the signatures on the petition by the random sampling method, the City Clerk shall proceed to verify the sufficiency of each signature on the petition if the elector so challenging posts with the City Clerk such amount of money as is required to fully pay for the cost of such further verification. Any such challenge of the verification by the random sampling method shall be made no later than the close of business on the fourth day following announcement of the sufficiency.~~

27.1023 (reserved for future use)

27.1024 (reserved for future use)

27.1025 Challenges to Verification of Initiative Petition Signatures

(a) By submitting a *written* request to the *City Clerk*, any voter of The City of San Diego may challenge the determination of the sufficiency or insufficiency of an initiative petition for which signatures were verified by the random sampling method provided for in Section 27.1022(b).

(b) Any voter making a challenge under Section 27.1025(a) must post with the *City Clerk* such amount of money as is required to fully pay the cost of further verification.

(c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar *day* following the *City Clerk's* certification of the sufficiency or insufficiency of the initiative *petition* determined in accordance with Section 27.1026.

(d) If the challenge is received and the required payment is made within the time specified, the *City Clerk* shall proceed to verify the validity or invalidity of each signature on the *petition*.

27.1026 Clerk's Certification of Sufficiency or Insufficiency of Initiative Petition

If the *City Clerk* finds an initiative *petition* to contain the requisite number of valid signatures and to be in substantial compliance with this division, he or she shall certify that the *petition* is sufficient, and qualifies for presentation to the *City Council* pursuant to Section 27.1031, or for submittal to the *voters* pursuant to Section 27.1033. If the *City Clerk* finds an initiative *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the *petition* is insufficient, and does not qualify for submittal to the *voters*.

27.2515 27.1027 Notice of Sufficiency of Initiative Petition

If an initiative petition is found to contain the requisite number of valid signatures, ~~When an initiative *petition* has been certified as sufficient,~~ the *City Clerk* shall ~~so certify and~~ shall send a notice of sufficiency to the *proponents of the initiative* or their designated representative. The *City Clerk* shall then present the *petition*, with the certification attached, to the *City Council* at the next regular *City Council* meeting at which the matter can be placed on the docket.

27.2516 27.1028 Notice of Insufficiency of Initiative Petition

If an initiative petition is found to contain less than the required number of valid signatures, ~~When an initiative *petition* has been certified as insufficient,~~ the *City Clerk* shall ~~so certify and~~ shall send a notice of insufficiency to the *proponents* or their designated representative ~~of the initiative~~.

27.1029 **(reserved for future use)**

27.1030 **(reserved for future use)**

27.2502 27.1031 **Number of Initiative Petition Signatures Required: Submission for Presentation to City Council**

~~No~~ An initiative *petition* ~~shall~~ may not be ~~submitted~~ presented to the City Council unless it contains the signatures of at least three percent of the *voters*.

27.2520 27.1032 **Action by City Council: on Three Percent Initiative Petition**

If the initiative petition presented to the City Council contains the signatures of at least three percent but less than ten percent of the *voters*, the City Council ~~must~~ shall within ten business days of the date of presentation approve or reject the legislative act as presented, but may not amend it. The City Council may submit the petition to the voters, but is not required to do so.

27.2503 27.1033 **Number of Initiative Petition Signatures Required: Direct Submission for Submittal to Voters**

~~No~~ An initiative *petition* ~~shall~~ is not required to be submitted to the ~~people~~ voters unless it contains the signatures of at least ten percent of the *voters*.

27.2524 27.1034 **Action by City Council: on Ten Percent Initiative Petition**

If the initiative petition presented to the City Council contains the signatures of ten percent or more of the *voters*, the City Council ~~must~~ shall within ten business days of the date of presentation approve adopt or reject the legislative act as presented, but may not amend it.

27.2522 27.1035 **Special Election to be Called Initiated Legislative Act to be Submitted to Voters**

If the City Council rejects a legislative act proposed by an initiative *petition* containing the signatures of ten percent or more of the *voters*, or fails to act within the time prescribed by Section 27.1034, then the City Council shall within ten business days of the date of rejection or of the deadline for action prescribed by Section 27.1034, whichever is earlier: call a special election at which the act, without alteration, shall be submitted to the people. The special election shall be consolidated with the next election at which the matter can be placed on the ballot and all the voters in the City are entitled to vote

(a) adopt a resolution of intention to submit the matter to the voters at a special election;

and

(b) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

27.2523 27.1036 Direct Submission Submittal of Initiated Legislative Act to Voters without Petition

When ~~The City Council~~ may submit to the voters of The City of San Diego proposes any legislative act for vote, without a *petition* therefor, a proposition for the repeal, amendment or enactment of any legislative act, to be voted upon at any succeeding regular or special election, and if the proposition submitted receives a majority of the votes cast on it at the election, the legislative act shall be repealed, amended or enacted accordingly. A special or City-wide general election may be called for the purpose of voting on the matter it shall be submitted to the voters at a *special election* scheduled pursuant to Section 27.1037.

27.1037 Time for Special Election for Initiated Legislative Act

A *special election* for an initiated legislative act may be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the ballot; or a separate *special election* may be called for the purpose of voting on the matter.

27.1038 (reserved for future use)

27.1039 (reserved for future use)

27.1040 Examination Period for Initiative Ballot Materials

There shall be a public examination period for all *ballot materials* filed with the City Clerk for any measure to be submitted to the voters pursuant to this division. The examination period shall conform to the provisions of Section 27.0402 of this article.

27.2530 27.1041 Initiative Special Election for Initiated Legislative Act to Conform to other Other Elections

To the extent practicable, when a legislative act proposed by an initiative *petition* or directly by the City Council is submitted to the voters, ~~The clerk the~~ City Clerk shall conduct the initiative *special election* in a manner conforming with other municipal elections to the extent practicable.

27.2529 27.1042 Initiative Special Election Not Limited to One Initiated Legislative Act

Any number of legislative acts proposed by initiative *petitions* or directly by the City Council may be submitted to the people voters at one a single *special election* by the

initiative process.

27.1043 Voter Adoption of Initiated Legislative Act

Except as provided in the California Constitution or the San Diego City Charter, any legislative act proposed by an initiative *petition* or directly by the City Council shall be adopted by majority vote.

27.2527 27.1044 Conflicting Provisions in Initiated Legislative Acts

If the provisions of two or more legislative acts proposed by initiative petitions or directly by the City Council and adopted at the same a single *special election* conflict, only the act receiving the highest number of votes shall prevail take effect.

27.2526 27.1045 Effective Date of Initiated Legislative Act Following Special Election

If a proposed legislative act is approved by the voters, the act shall be deemed adopted. The act shall be effective at the time indicated therein or thirty days after the election, whichever is greater. A legislative act proposed by an initiative petition or directly by the City Council which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date of the *special election*. It shall be effective thirty calendar days after the date of the *special election*, or at the time indicated in the legislative act, whichever is later.

27.1046 **(reserved for future use)**

27.1047 **(reserved for future use)**

27.2525 27.1048 Referendary Provisions Applicable to Initiated Legislative Acts

Any legislative act proposed by an initiative *petition* and adopted by the City Council, or any legislative act submitted to the voters by the City Council with or without having first received a qualifying *petition* therefor, that has been approved adopted by the voters, shall be subject to the referendary provisions of this article.

27.2528 27.1049 Amendment and Repeal of Initiated Legislative Acts

Unless the legislative act provides otherwise, Any initiated legislative act proposed by an initiative petition or directly by the City Council and adopted by a majority vote of the voters may be amended or repealed only by a vote of the majority of the voters requisite number of voters or by Charter amendment.

27.1050 Action by Petition to Amend or Repeal Initiated Legislative Acts

A proponent seeking to repeal, rescind or amend any legislative act previously proposed by an initiative *petition* and adopted by the voters shall use the procedures outlined in this division regarding an initiative *petition* containing the signatures of at least ten percent of the voters of The City of San Diego. Should such a *petition* be presented to the City Council, then the City Council shall within ten business days of the date of presentation:

(a) adopt a resolution of intention to submit the matter to the voters at a *special election*; and

(b) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

The *special election* may be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the ballot; or a *special election* may be called for the purpose of voting on the matter.

27.2534 27.1051 Action by City Council to Amendment and Amend or Repeal Initiated Legislative Acts: Action by Council

In addition to the authority granted to the City Council by Section ~~27.2523~~ 27.1001 of this article, the City Council may submit to the people voters any proposed legislative act which would repeal, rescind or amend any legislative act which the people voters have previously ~~approved~~ adopted by virtue of an a *special election* held pursuant to the initiative provisions of this article. The City Council shall not commence proceedings for such ~~submission~~ submittal for a period of one year following the ~~approval~~ adoption of the legislative act by the people voters.

DIVISION 26 11
Referendum

~~27.2604~~ 27.1101 Subjects of Referendum

Any legislative act, except acts making the annual tax levy, making the annual appropriations, calling or relating to elections, or relating to emergency measures, shall be subject to the referendum process.

27.1102 Referendary Petition Circulators

A referendary petition may be circulated for signatures by a paid signature gatherer or by a volunteer.

~~27.2603~~ 27.1103 Time to Begin Circulating Referendary Petition

A referendary *petition* may not be circulated for signatures until the first calendar *day* following the exercise of the final legislative act by the *City Council*.

27.1104 **(reserved for future use)**

27.1105 **(reserved for future use)**

~~27.2604~~ 27.1106 Contents of Referendary Petition

(a) Referendary *petition* forms shall be furnished by the *proponents*.

(b) The *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches ~~or~~ and no greater than 8-1/2 by 14 inches.

(c) The *petition* ~~shall~~ may consist of any number of sections. Each section shall contain items ~~one (1) through four (4)~~ in the order specified:

(1) ~~First, a sheet, or one or more sheets; setting forth the questioned legislative act in full prepared in accordance with Section 27.1107. It shall be printed in clear, readable type no less than 10-point.~~

(2) ~~Second, a A statement of reasons for the petition prepared in accordance with Section 27.1108. It shall be printed in clear, readable type no less than 10-point.~~

(3) ~~Third, a One or more voter signature sheet, or sheets prepared in~~

accordance with Section 27.1109. Any number of *voter* signature sheets may be incorporated into a *petition* section.

(4) ~~Fourth, an~~ A *circulator's* affidavit of authenticity to be filled out prepared and signed in accordance with Section ~~27.2609~~ 27.1112 ~~and signed by the voter who circulated the petition.~~

(d) The sheets comprising each *petition* section shall be fastened together securely and remain so during circulation for signatures and submittal to the City Clerk.

~~27.2605~~ 27.1107 Form of Referendary Petition

Any referendary *petition* shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

REFERENDARY PETITION

REFERENDUM AGAINST A LEGISLATIVE ACT ~~PASSED AND~~ ADOPTED BY
THE CITY COUNCIL OF THE CITY OF SAN DIEGO.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF SAN DIEGO:

We, the undersigned registered voters of The City of San Diego, California, hereby present this petition to the City Council of The City of San Diego, California, and ask that the City Council repeal, or submit to the registered voters of the City for their approval adoption or rejection that legislative act adopted by the City Council, on the _____ day of _____, of which the following is a full and correct copy:

(NOTE: Here insert full title and text of the ~~measure~~ legislative act to be referred, ~~followed by the accompanying statement of reasons prepared in accordance with Section 27.1108; the voter signature sheets prepared in accordance with Section 27.1109; and the circulator's affidavit of authenticity prepared in accordance with Section 27.1112.~~)

Signature of Proponent

Residence

Date

~~27.2606~~ 27.1108 Form of Statement of Reasons for Referendary Petition

The statement of reasons shall set forth the reasons for the referendary *petition*. It shall contain no more than ~~three hundred~~ 300 words. ~~The word count shall be calculated in accordance with City Clerk's guidelines.~~ The statement of reasons shall be printed in clear, readable type no smaller than 10-point. ~~The statement~~ It shall be signed by the individual proposing the *petition* or, if the *proponent* is an organization, by two officers

of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the proponent may be reached.

27-2607 27.1109 Form of Voter Signature Sheets for Referendary Petition

(a) On the right hand side of the each voter signature sheet, a space at least one inch wide shall be left blank for the City Clerk's use in verifying the validity or invalidity of the petition signatures. Voter signature sheets shall be arranged and lined to provide space for the each voter's signature, each voter's printed name, place of each voter's residence, and date of each voter's signature.

(b) Above the signature portion of each voter signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

"NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER
OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

(bc) The signature portion of the Signature sheets shall be in substantially the following form:

Name	Residence	Date	Clerk's Use Only
1. Sign			
Print			
2. Sign			
Print			
3. Sign			
Print			

SECTION 27-2608 27.1110 Signing Voter's Information for Referendary Petition

Signatures on the voter signature sheets shall be executed by voters in their own handwriting and each signer shall also affix his or her printed name, date of his or her signature, and place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post eOffice box numbers, business addresses, or mailing addresses are not permitted and, if used, shall make that voter's signature invalid. ~~Voters shall also affix the date of their signature.~~

27.1111 Circulator's Affidavit of Authenticity for Referendary Petition

Each referendary petition section shall have attached to it an affidavit of authenticity of the circulator, signed by the circulator under California perjury laws.

27.2609 27.1112 Form of Circulator's Affidavit of Authenticity for Referendary Petition

The circulator's affidavit of authenticity shall have the following form:

AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO) ss.
STATE OF CALIFORNIA)

Under penalty of perjury I, (printed name of *circulator*), declare: That ~~I am a registered voter of The City of San Diego;~~ that all of the signatures on each the voter signature sheets of this petition section were made in my presence and were observed by me; that all of the sheets constituting this petition section were fastened together at the time such signatures were made; that, to the best of my knowledge and belief, such signatures are the genuine signatures of the ~~persons~~ individuals who signed the petition; and that the signatures were obtained between:

_____	and	_____
(Beginning date of circulation)		(Final date of circulation)
_____		_____
(Circulator's Printed Name)		(Circulator's Signature)
_____		_____
(Circulator's Residence)		(Circulator's Date Signed <u>by Circulator</u>)

27.1113 (reserved for future use)

27.1114 (reserved for future use)

27.2610 27.1115 Signatures on Referendary Petition

(a) Only voters may sign the voter signature sheets of a referendary *petition*. Signatures of signers individuals who are not voters shall be invalid.

(b) ~~The City Clerk shall only count valid signatures.~~

27.2611 27.1116 Withdrawal of Signature from Referendary Petition

Any ~~person~~ individual who has signed a referendary ~~petition's voter signature sheet~~ may withdraw his or her signature by filing a *written* request bearing his or her name, address and signature in the ~~Office~~ of the City Clerk prior to the deadline for submitting that *petition* under Section ~~27.2612~~ 27.1117.

~~27.2612~~ 27.1117 Time for Submitting Referendary Petition to Clerk

A referendary *petition* may be submitted to the Office of the City Clerk any time within thirty ~~(30)~~ calendar days after the exercise of the final legislative act by the City Council.

~~27.2613~~ 27.1118 Submitting Referendary Petition to Clerk; Acceptance or Rejection of Petition

(a) The referendary *petition* ~~may~~ shall be submitted to the Office of the City Clerk by the *proponent* of the referendum or by any ~~person~~ individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time. ~~The City Clerk shall not accept a petition that is not in substantial compliance with this Division.~~

(b) The statement of reasons prepared in accordance with Section 27.1108 shall be submitted to the Office of the City Clerk at the same time as the *petition* is submitted pursuant to this section. The statement of reasons shall include the original signature of the individual initiating the proposed legislative act or, if the *proponent* is an organization, the original signatures of two officers of the organization.

(c) Six copies of the referendary *petition* with unsigned voter signature sheets shall be submitted to the Office of the City Clerk at the same time as the *petition* is submitted pursuant to this section.

(b) ~~When the petition is submitted, the City Clerk shall determine that day the total number of signatures affixed to the petition.~~

~~(1) If the City Clerk determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City Clerk shall accept the petition as filed.~~

~~(2) If the City Clerk determines that the number of signatures, prima facie, is less than the minimum number required, the City Clerk shall reject the petition and treat it as not filed.~~

(c) ~~Any sections of the petition not filed in accordance with Section 27.2613 shall be void for all purposes.~~

SECTION 27. 1119 Acceptance or Rejection of Referendary Petition as Filed

(a) The City Clerk shall not accept a *petition* that is not in substantial compliance with this division.

(b) When the referendary *petition* is submitted, the City Clerk shall determine that *day* the number of signatures affixed prima facie to the *petition*.

(1) If the City Clerk determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the City Clerk shall accept the *petition* as filed.

(2) If the City Clerk determines that the number of signatures, prima facie, is fewer than the minimum number required, the City Clerk shall reject the *petition* and treat it as not filed.

(c) Any *petition* sections not accepted as filed in accordance with Section 27.1119 shall be void for all purposes.

27.2614 27.1120 Verification of Referendary Petition Signatures; Time; Random Sampling

(a) The City Clerk shall be allowed a period of thirty (30) calendar days after the filing of a referendary *petition* ~~has been accepted as filed~~ to examine and verify the validity or invalidity of signatures of signers.

(b) ~~Signatures may be verified by use of the random sampling method set forth in Section 9115 of the California Elections Code.~~ The random sampling method set forth in the California Elections Code may be used for verification of signatures.

(c) To determine the sufficiency or insufficiency of a referendary *petition*, the City Clerk shall only count valid signatures.

(d) If the *circulator's* affidavit of authenticity for any given *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

27.1121 **(reserved for future use)**

27.1122 **(reserved for future use)**

27.2617 27.1123 Challenges to the Determination Verification of Sufficiency or Insufficiency of the Referendary Petition Signatures

(a) By submitting a *written* request to the City Clerk, any voter of ~~t~~The City of San Diego may challenge the determination of the sufficiency or insufficiency of a

referendary petition for which the signatures determine were verified by the random sampling method provided for in Section 27.2614 27.1120(b).

(b) Any voter making a challenge under Section 27.1123(a) must post with the City Clerk such amount of money as is required to fully pay the cost of further verification.

(c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth (4th) calendar day following ~~announcement of the sufficiency or insufficiency of signatures~~ the City Clerk's certification of the sufficiency or insufficiency of the referendary petition determined in accordance with Section 27.1124.

(d) If the challenge is received and the required payment is made within the time specified, the City Clerk shall proceed to verify the ~~sufficiency~~ validity or invalidity of each signature on the *petition*.

27.1124 Clerk's Certification of Sufficiency or Insufficiency of Referendary Petition

If the City Clerk finds a referendary petition to contain the requisite number of valid signatures and to be in substantial compliance with this division, he or she shall certify that the petition is sufficient, and qualifies for submittal to the voters. If the City Clerk finds a referendary petition to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this division, he or she shall certify that the petition is insufficient, and does not qualify for submittal to the voters.

SECTION 27.2615 27.1125 Notice of Sufficiency of Referendary Petition

~~If the City Clerk finds a referendary petition to contain the requisite number of valid signatures and to be in proper form~~ When a referendary petition has been certified as sufficient, the City Clerk shall ~~so certify~~ and shall send a notice of sufficiency to the *proponent* of the referendum. The City Clerk shall then present the *petition*, with the certification attached, to the City Council at the next regular City Council meeting at which the matter can be placed on the docket.

27.2616 27.1126 Notice of Insufficiency of Referendary Petition

~~If the City Clerk finds a referendary petition to contain less than the requisite number of valid signatures or to be in improper form~~ When a referendary petition has been certified as insufficient, the City Clerk shall ~~so certify~~ and shall send a notice of insufficiency to the *proponent of the referendum*.

27.1127 (reserved for future use)

27.1128 (reserved for future use)

27.2602 27.1129 Number of Referendary Petition Signatures Required for Presentation to City Council

A referendary *petition* may not be presented to the City Council unless it contains the signatures of at least five percent of the voters.

27.2648 27.1130 Suspension of Referended Legislative Act

(a) If a referendary *petition* has been accepted as filed, the referended legislative act shall be suspended until the date on which the City Clerk issues a notice of certification of the *petition's* insufficiency; or, if the *petition* is found to be sufficient, the legislative act shall be suspended until ~~the legislative act~~ it is approved adopted by the voters and becomes effective in accordance with Sections ~~27.2622~~ 27.1139 and 27.1140.

(b) If the City Clerk issues a ~~notice of certification of the referendary *petition's* insufficiency~~, the referended legislative act shall become effective immediately; or, if the legislative act is an ordinance, it shall become effective a minimum of thirty ~~(30)~~ calendar days after its adoption by the City Council.

(c) If the City Clerk issues a certificate of sufficiency, the referended legislative act shall become effective in accordance with Sections ~~27.2622~~ 27.1139 and 27.1140.

27.2649 27.1131 Action by City Council on Referendary Petition

If the *petition* is presented to the City Council by the City Clerk at a City Council meeting held in accordance with Section ~~27.2645~~ 27.1125, ~~then~~ the City Council ~~must~~ shall within ten ~~(10)~~ working business days reconsider the legislative act in question.

27.2620 27.1132 Referended Legislative Act to be Submitted to Voters

If the City Council refuses to grant the *petition* to repeal the legislative act in question or fails to reconsider the act within ~~ten (10) working days after presentation by the City Clerk~~ the time prescribed by Section 27.1131, the City Council shall within ten business days of the date of refusal or of the deadline for action prescribed by Section 27.1131, whichever is earlier:

(a) adopt a resolution of intention to submit the matter to the voters at ~~an~~ a special election; and

(b) direct the City Attorney to prepare an ordinance calling ~~an~~ a special election to place the matter on the ballot.

27.2624 27.1133 Time for Special Election for Referended Legislative Act

(a) Except as provided in Section ~~27.2624~~ 27.1133(b), if ~~an~~ a *special election* is called, it shall be held within eleven (~~11~~) months of the adoption of the resolution of intention to submit the matter to the voters.

(b) If any other ~~e~~*City-wide Primary or City-wide General or special election* for any purpose at which all the voters are entitled to vote is scheduled to be held within eleven (~~11~~) months from the date of the adoption of the resolution set forth in ~~27.2620~~ 27.1132(a), then the City Council may at its discretion submit the legislative act to the voters at that election.

27.1134 (reserved for future use)

27.1135 (reserved for future use)

27.1136 Examination Period for Referendary Ballot Materials

There shall be a public examination period for all ballot materials filed with the City Clerk for any measure to be submitted to the voters pursuant to this division. The examination period shall conform to the provisions of Section 27.0402 of this article.

27.2624 27.1137 Referendary Special Election for Referended Legislative Act to Conform to ~~o~~Other Elections

To the extent practicable, when a referended legislative act is submitted to the voters, the City Clerk shall conduct the referendary *special election* in a manner conforming with other elections.

27.2623 27.1138 Referendary Special Election Not Limited To One Referended Legislative Act

Any number of legislative acts may be submitted to the people voters at ~~any one~~ a single *special election* by the referendary process.

27.1139 Voter Adoption of a Referended Legislative Act

Except as provided in the California Constitution or the San Diego City Charter, a referended legislative act shall be adopted by majority vote.

27.2622 27.1140 Effective Date of Referended Legislative Act Following Special Election

~~If a majority of the voters voting on legislative act of the City Council approve that act, it~~

A referended legislative act which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date the *City Council* adopts its resolution declaring the results of the election. The legislative act shall be effective ten ~~(10)~~ calendar *days* after the date the resolution is adopted unless an earlier date is specified in the resolution.

DERIVATION CHARTS FOR PROPOSED AMENDMENTS

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CHANGES TO DIVISION 01 - ELECTIONS - GENERAL

ALL DIVISION NUMBERS CHANGED FROM DIVISION 20 TO DIVISION 1.

- 27.0101 Housekeeping. Derived from old Section 27.2001. Removes reference to "incorporation by reference of provisions of general law." Adds that in the event of ambiguity or contradiction between general law and these provisions, these provisions shall prevail.
- 27.0102 Housekeeping. Derived from old Section 27.2002.
- 27.0103 Housekeeping. Derived from old Section 27.2003. Adds "ballot materials," "ballot question," "circulator," "elective offices," "measure," "proponent," and "voter pamphlet."
- 27.0104 Housekeeping. Derived from old Section 27.2003. Change enables more frequent update of voter base percentages used to calculate number of signatures needed for various kinds of petitions.
- 27.0105 Addition. Clarifies source of word count guidelines.
- 27.0106 Housekeeping. Derived from old Section 27.2004. Deletes reference to Community College District.
- 27.0107 Housekeeping. Derived from old Section 27.2005. Deletes reference to Community College District.
- 27.0108 Housekeeping. Derived from Charter Section 10.
- 27.0109 Housekeeping. Derived from old Section 27.2006.
- 27.0110 Housekeeping. Derived from old Section 27.2007.
- 27.0111 Housekeeping. Derived from old Section 27.2014.
- 27.0112 Addition. Enables Clerk to authorize another individual to perform Clerk's duties.
- 27.0113 Housekeeping. Derived from old Section 27.2017.
- 27.0114 Housekeeping. Derived from old Section 27.2018.
- 27.0115 Housekeeping. Derived from old Section 27.2019.
- 27.0116 Housekeeping. Derived from old Section 27.2020, part of which has been moved to new Section 27.0907.
- 27.0117 Housekeeping. Derived from old Section 27.2021.
- 27.0118 Housekeeping. Derived from old Section 27.2022.
- 27.0119 Housekeeping. Derived from old Section 27.2023.

CHANGES TO DIVISION 04 - GENERAL PROVISIONS FOR BALLOTS

- 27.0401 Addition. Provides purpose and intent for division.
- 27.0402 Addition. Derived from CA Elections Code Section 9295.
- 27.0403 Addition. Derived from CA Elections Code Section 9295 and voter pamphlet printing deadlines.
- 27.0404 Addition. Derived from CA Elections Code Section 9295.
- 27.0405 Housekeeping. Derived from old Section 27.2202.
- 27.0406 Housekeeping. Derived from old Section 27.2203.
- 27.0407 Addition. Provides provisions for recount.
- 27.0408 Housekeeping. Derived from old Section 27.2303.
- 27.0409 Housekeeping. Derived from old Section 27.2301. Adds procedure for 2 candidates who tie for 2nd place in primary.
- 27.0410 Housekeeping. Derived from old Section 27.2302.
- 27.0411 Housekeeping. Derived from old Section 27.2206.
- 27.0412 Housekeeping. Derived from old Section 27.2207.

CHANGES TO DIVISION 05 - BALLOTS FOR MEASURES

- 27.0501 Housekeeping addition. Provides purpose and intent for division.
- 27.0502 Housekeeping addition. Clarifies when ballot measures may be appear on ballot.
- 27.0503 Housekeeping addition. Provides clarification that Council determines the ballot question.
- 27.0504 Housekeeping addition. Specifies that Council may direct Attorney to prepare Title & Summary for initiatives.
- 27.0505 Housekeeping addition. Derived from CA Elections Code Section 9280.
- 27.0506 Housekeeping addition. Derived from CA Elections Code Section 9005.
- 27.0507 Housekeeping addition. Derived from CA Elections Code Section 13115. Clarifies order of measures on ballot.
- 27.0508 Housekeeping. Derived from CA Elections Code Section 9282.
- 27.0509 Housekeeping. Derived from CA Elections Code Section 9283 and 1998 ROV/SoS policy.
- 27.0510 Housekeeping addition. Codifies Clerk's procedures for individual signing argument on behalf of an organization.
- 27.0511 Housekeeping. Derived from CA Elections Code Section 9286.
- 27.0512 Housekeeping. Derived from CA Elections Code Section 9287.
- 27.0513 Housekeeping addition. Clarifies process for Council to authorize Councilmembers to sign argument.
- 27.0514 Housekeeping addition. Specifies there will be no rebuttal arguments.
- 26.0515 Housekeeping addition. Adds information about the public examination period for ballot materials.

CHANGES TO DIVISION 06 - BALLOTS FOR CANDIDATES

- 27.0601 Addition. Provides purpose and intent for division.
- 27.0602 Addition. Derived from CEC 13106.
- 27.0603 Housekeeping. Derived from old Sections 27.2201 and 27.3109. Parallels CEC 13107.
- 27.0604 Addition. Codifies Clerk's procedures, derived from 2 Cal Code of Regs 20710-20719.
- 27.0605 Addition. Derived from old Section 27.2201, CEC 13107.
- 27.0606 Addition. Derived from old Section 27.2201, CEC 13107.
- 27.0607 Addition. Derived from CEC 13107.
- 27.0608 Addition. Derived from CEC 13107 and old Section 27.2201.
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- 26.0620 Housekeeping. Derived from old Section 27.2204. Adds required authorization for use of names other than family.
- 26.0621 Housekeeping. Derived from old Section 27.2204.
- 26.0622 Addition. Provides procedure for Clerk if statement of qualifications violates restrictions.
- 26.0623 Housekeeping. Derived from old Section 27.2204.
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CHANGES TO DIVISION 06 - BALLOTS FOR CANDIDATES

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- 26.0634 Housekeeping. Derived from old Section 27.2204.1
- 26.0635 Housekeeping. Derived from old Section 27.2401.
- 26.0636 Housekeeping. Derived from old Section 27.2205.
- 26.0637 Housekeeping. Derived from old Section 27.2205.1.
- 26.0638 Addition. Provides for public examination period.

CHANGES TO DIVISION 07 - GENERAL PROVISIONS FOR FILLING VACANCIES

- 27.0701 Housekeeping. Derives purpose and intent for division from Charter sections 12, 24 and 40.
- 27.0702 Housekeeping. Derived from Charter section 12.
- 27.0703 Housekeeping. Derived from Charter section 12.
- 27.0704 Addition. Provides for formal "Declaration of Vacancy."
- 27.0705 Housekeeping. Derived from old Section 27.3102 and Charter section 12.
- 27.0706 Addition. Provides for withdrawal of letter of resignation.
- 27.0707 Addition. Provides directional information on where to find procedures for filling a vacancy.
- 27.0708 Addition. Codifies Attorney's Office opinion on the effect of redistricting on filling a vacancy.
- 27.0709 Housekeeping addition. Clarifies term of office of individual filling a vacancy; establishes time for administering oath of office.

CHANGES TO DIVISION 08 - FILLING VACANCIES BY APPOINTMENT

ALL DIVISION NUMBERS CHANGED FROM DIVISION 31 TO DIVISION 08.

- 27.0801 Housekeeping. Derived from old Section 27.3101. Restates purpose and intent.
- 27.0802 Housekeeping. Derived from old Section 27.3103.
- 27.0803 Housekeeping. Derived from old Section 27.3103.
- 27.0804 Housekeeping. Derived from old Section 27.3104.
- 27.0805 Housekeeping. Derived from old Section 27.3104.
- 27.0806 Housekeeping. Derived from old Section 27.3105.
- 27.0807 Housekeeping. Derived from old Section 27.3106.
- 27.0808 Housekeeping. Derived from old Section 27.3107.
- 27.0809 Housekeeping. Derived from old Section 27.3108.

CHANGES TO DIVISION 09 - FILLING VACANCIES BY ELECTION

ALL DIVISION NUMBERS CHANGED FROM DIVISION 24 TO DIVISION 09.

- 27.0901 Housekeeping addition. Provides purpose and intent.
- 27.0902 Housekeeping addition. Derived from Charter Section 12.
- 27.0903 Housekeeping addition. Clarifies nomination procedures for vacant seats.
- 27.0904 Housekeeping addition. Derived from old Section 27.2402.
- 27.0905 Housekeeping addition. Derived from old Section 27.2402.
- 27.0906 Housekeeping addition. Specifies run-off required if no majority vote.
- 27.0907 Housekeeping. Derived from old Section 27.2404.

CHANGES TO DIVISION 10 - INITIATIVE

- 27.1001 Housekeeping. Derived from old Section 27.2501.
- 27.1002 Housekeeping. Derived from old Section 27.2504.
- 27.1003 Housekeeping. Derived from old Section 27.2505.
- 27.1004 Addition. Allows either a volunteer or a paid signature gatherer to collect signatures.
- 27.1005 (added - reserved for future use)
- 27.1006 (added - reserved for future use)
- 27.1007 Housekeeping. Derived from old Section 27.2506.
- 27.1008 Housekeeping. Derived from old Section 27.2509.
- 27.1009 Housekeeping. Derived from old Section 27.2508.
- 27.1010 Housekeeping. Derived from old Sections 27.2504 and 27.2507. Also adds requirement that on statement of reasons, proponent give date of signing and an address at which he/she may be reached.
- 27.1011 Housekeeping. Derived from old Section 27.2509. Adds language to voter signature sheet notifying signers that they have the right to ask whether the circulator is a volunteer or a paid signature gatherer. Adds an example of the signature portion of the voter signature sheet.
- 27.1012 Housekeeping. Derived from old Section 27.2512.
- 27.1013 Housekeeping. Derived from old Sections 27.2509 and 27.2510.
- 27.1014 Housekeeping. Derived from old Section 27.2510. Also eliminates requirement that circulator be a registered voter of The City of San Diego.
- 27.1015 (added - reserved for future use)
- 27.1016 (added - reserved for future use)
- 27.1017 Housekeeping. Derived from old Section 27.2511.
- 27.1018 Housekeeping. Derived from old Section 27.2519. Deletes reference to supplemental petition.
- 27.1019 Housekeeping. Derived from old Section 27.2513.
- 27.1020 Housekeeping. Derived from old Section 27.2513. Also adds requirement that six unsigned copies of the petition be submitted at the same time as the petition [for Clerk's files and for public viewing].
- 27.1021 Housekeeping. Derived from old Section 27.2513.
- 27.1022 Housekeeping. Derived from old Sections 27.2511 and 27.2514. Deletes the requirement for the Clerk to date-stamp each petition section. Also adds information that an unsigned circulator's affidavit of authenticity makes the signatures on the affected petition section invalid.
- 27.1023 (added - reserved for future use)
- 27.1024 (added - reserved for future use)
- 27.1025 Housekeeping. Derived from old Section 27.2514.
- 27.1026 Housekeeping. Derived from old Sections 27.2515 and 27.2516.

CHANGES TO DIVISION 10 - INITIATIVE

- 27.1027 Housekeeping. Derived from old Section 27.2515.
- 27.1028 Housekeeping. Derived from old Section 27.2516.
- 27.1029 (added - reserved for future use)
- 27.1030 (added - reserved for future use)
- 27.1031 Housekeeping. Derived from old Section 27.2502.
- 27.1032 Housekeeping. Derived from old Section 27.2520. Adds information that Council may submit a 3% petition to the voters, but is not required to do so.
- 27.1033 Housekeeping. Derived from old Section 27.2503.
- 27.1034 Housekeeping. Derived from old Section 27.2521.
- 27.1035 Housekeeping. Derived from old Section 27.2522.
- 27.1036 Housekeeping. Derived from old Section 27.2523.
- 27.1037 Housekeeping. Derived from old Sections 27.2522 and 27.2523. Clarifies that Council may call special election for an initiative vote.
- 27.1038 (added - reserved for future use)
- 27.1039 (added - reserved for future use)
- 27.1040 Addition. Adds information about the public examination period for initiative ballot materials.
- 27.1041 Housekeeping. Derived from old Section 27.2530.
- 27.1042 Housekeeping. Derived from old Section 27.2529.
- 27.1043 Derived from old Sections 27.2523 and 27.2526. Clarifies that an initiative needs the requisite number of affirmative votes in order to be adopted by the people.
- 27.1044 Housekeeping. Derived from old Section 27.2527.
- 27.1045 Housekeeping. Derived from old Sections 27.2523 and 27.2526.
- 27.1046 (added - reserved for future use)
- 27.1047 (added - reserved for future use)
- 27.1048 Housekeeping. Derived from old Section 27.2525.
- 27.1049 Housekeeping. Derived from old Section 27.2528.
- 27.1050 Addition. Provides procedure for initiative regarding a People's Initiative.
- 27.1051 Housekeeping. Derived from old Section 27.2531.

CHANGES TO DIVISION 11 - REFERENDUM

ALL DIVISION NUMBERS CHANGED FROM DIVISION 26 TO DIVISION 11.

- 27.1101 No changes. Derived from old Section 27.2601.
- 27.1102 Addition. Allows either a volunteer or a paid signature gatherer to collect signatures.
- 27.1103 Housekeeping. Derived from old Section 27.2603.
- 27.1104 (added - reserved for future use)
- 27.1105 (added - reserved for future use)
- 27.1106 Housekeeping. Derived from old Section 27.2604.
- 27.1107 Housekeeping. Derived from old Section 27.2605.
- 27.1108 Housekeeping. Derived from old Section 27.2606. Also adds requirement that on statement of reasons, proponent give date of signing and an address at which he/she may be reached.
- 27.1109 Housekeeping. Derived from old Section 27.2607. Also adds language to voter signature sheet notifying signers that they have the right to ask whether the circulator is a volunteer or a paid signature gatherer.
- 27.1110 Housekeeping. Derived from old Section 27.2608.
- 27.1111 Housekeeping addition. Clarifies that signed circulator affidavit must accompany each petition section.
- 27.1112 Housekeeping. Derived from old Section 27.2609. Also eliminates requirement that circulator be a registered voter of The City of San Diego.
- 27.1113 (added - reserved for future use)
- 27.1114 (added - reserved for future use)
- 27.1115 Housekeeping. Derived from old Section 27.2610.
- 27.1116 Housekeeping. Derived from old Section 27.2611.
- 27.1117 Housekeeping. Derived from old Section 27.2612.
- 27.1118 Housekeeping. Derived from old Section 27.2613. Also adds requirement that six unsigned copies of the petition be submitted at the same time as the petition [for Clerk's files and for public viewing].
- 27.1119 Housekeeping addition. Clarifies Clerk's procedures upon submittal of petition.
- 27.1120 Housekeeping. Derived from old Section 27.2614. Also adds information that an unsigned circulator's affidavit of authenticity makes the signatures on the affected petition section invalid.
- 27.1121 (added - reserved for future use)

CHANGES TO DIVISION 11 - REFERENDUM

- 27.1122 (added - reserved for future use)
- 27.1123 Housekeeping. Derived from old Section 27.2617.
- 27.1124 Housekeeping addition. Clarifies Clerk's procedures after petition found sufficient or insufficient.
- 27.1125 Housekeeping. Derived from old Section 27.2615.
- 27.1126 Housekeeping. Derived from old Section 27.2616.
- 27.1127 (added - reserved for future use)
- 27.1128 (added - reserved for future use)
- 27.1129 Housekeeping. Derived from old Section 27.2602.
- 27.1130 Housekeeping. Derived from old Section 27.2618.
- 27.1131 Housekeeping. Derived from old Section 27.2619.
- 27.1132 Housekeeping. Derived from old Section 27.2620.
- 27.1133 Housekeeping. Derived from old Section 27.2621.
- 27.1134 (added - reserved for future use)
- 27.1135 (added - reserved for future use)
- 27.1136 Addition. Adds requirement that there shall be a public examination period for referendary ballot materials.
- 27.1137 Housekeeping. Derived from old Section 27.2624.
- 27.1138 Housekeeping. Derived from old Section 27.2623.
- 27.1139 Addition derived from old Section 27.2630. Clarifies that a referended legislative act needs the requisite number of affirmative votes in order to be adopted by the people.
- 27.1140 Housekeeping. Derived from old Section 27.2622.

**CITY CLERK'S ADMINISTRATIVE GUIDELINES
FOR DESIGNATION OF PRINCIPAL PROFESSION OR OCCUPATION**

100. General Provisions.

(a) The purpose of these guidelines is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.

(b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) §27.0603 and the guidelines included here in a manner consistent with the regulatory purpose of these guidelines.

(c) Candidates are not required to use a ballot designation pursuant to SDMC §27.0603, and may opt to leave the space for such a designation on the ballot blank. In order to notify the City Clerk as to whether he or she will use a ballot designation, the candidate must file a designation of principal profession or occupation, on the form provided by the City Clerk, at the same time that all other nomination papers are submitted for filing.

(d) Pursuant to SDMC §27.0603, a candidate may submit a proposed designation of principal profession or occupation pursuant to any one of the four provisions specified in SDMC §27.0603(a) through §27.0603(d), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.

(e) The guidelines set forth here shall apply only to elections held for elective offices in the City of San Diego.

(f) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

101. Proposed Ballot Designations Submitted Pursuant to San Diego Municipal Code §27.0603(a).

Proposed ballot designations submitted pursuant to SDMC §27.0603(a), shall be subject to the following provisions:

(a) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal

professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:

(1) The proposed ballot designation must comply with the four-word limitation specified in SDMC §27.0603(a), and as implemented pursuant to subdivision (f) herein.

(2) Each such proposed profession, vocation or occupation shall be separately considered by the City Clerk and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.

(3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."

(b) The terms "profession," "vocation," or "occupation," as those terms are used in SDMC §27.0603(a), are defined as follows:

(1) "Profession" means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a "profession," as used in SDMC §27.0603(a), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."

(2) "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as used in SDMC §27.0603(a), include, but are not limited to, "minister," "priest," "mother," "father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."

(3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as used in SDMC §27.0603(a), include, but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."

(c) "Principal," as that term is used in SDMC §27.0603(a), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

(1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if (i) the candidate has maintained his or her license current as of the date he or she filed his or her nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees, and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination papers.

(2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if (i) the candidate's licensure status is "inactive" at the time the candidate files his or her nomination papers, or (ii) the candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination papers.

(d) In order for a ballot designation submitted pursuant to SDMC §27.0603(a) to be deemed acceptable by the City Clerk, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (b) and (c) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with SDMC §27.0603 and the guidelines included here.

(e) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination papers, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination papers, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.

(f) Pursuant to SDMC §27.0603(a), the candidate's ballot designation shall be limited to not more than four words. The following rules shall govern the application of the four word limitation:

(1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.

(2) Punctuation shall be limited to the use of a comma (e.g., Mayor, City of San Diego) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (a) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language.

(3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as the term is used in SDMC §27.0603(a). If the candidate desires, the geographical name may be used in the form of "City of...," "County of...," or "City and County of...". Examples of geographical names considered to be one word include San Diego County, Los Angeles County and City of San Diego.

(4) An acronym shall be counted as one word.

102. Proposed Ballot Designations Submitted Pursuant to San Diego Municipal Code §27.0603(b).

Proposed ballot designations submitted pursuant to SDMC §27.0603(b) shall be subject to the following provisions:

(a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing his or her nomination papers.

(b) In the case of judicial officers, the candidate's ballot designation shall be the office which the candidate holds at the time of filing his or her nomination papers.

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to SDMC §27.0603(b).

(d) Proposed ballot designations indicating a position of legislative leadership, such as "Deputy Mayor," "Majority Leader, California Senate," "Minority Leader, State Assembly," "Speaker, California State Assembly," "President Pro Tempore, Senate," and the like, are not elective offices described in SDMC §27.0603(b). Such ballot designations are improper, pursuant to SDMC §27.0603(b). They may, however, be considered under the provisions of §27.0603(a).

(e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective

state or county offices as specified in SDMC §27.0603(b).

103. Proposed Ballot Designations Submitted Pursuant to San Diego Municipal Code §27.0603(c).

Proposed ballot designations submitted pursuant to SDMC §27.0603(c) shall be subject to the following provisions:

(a) A proposed ballot designation submitted pursuant to SDMC §27.0603(c) is limited to the word "incumbent," as that term is used in SDMC §27.0603(c).

(b) The term "incumbent" must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to SDMC §27.0603(c) shall be entitled to use the ballot designation "Incumbent."

(c) The word "incumbent" is strictly limited for use in ballot designations submitted pursuant to SDMC §27.0603(c), and may not be used as an adjective in any other ballot designation.

104. Proposed Ballot Designations Submitted Pursuant to San Diego Municipal Code § 27.0603(d).

(a) Pursuant to SDMC §27.0603(d), a candidate may propose a ballot designation consisting of the phrase "appointed incumbent" if the candidate holds an the office of Mayor or City Attorney, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."

(b) Pursuant to SDMC §27.0603(d), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."

105. Unacceptable Ballot Designations.

(a) The City Clerk shall reject as unacceptable any proposed ballot designation which fails to comply with or is otherwise inappropriate pursuant to SDMC §27.0603, is prohibited pursuant to SDMC §27.0605, is misleading, or is otherwise improper pursuant to the guidelines set forth here.

(b) The following types of activities are distinguished from professions, vocations and

occupations and are not acceptable as ballot designations pursuant to SDMC §27.0603(a):

(1) *Avocations*: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work, and matters pursued as an amateur.

(2) *Pro Forma Professions, Vocations and Occupations*: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess, and the like.

(3) *Statuses*: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.

(c) Pursuant to SDMC §27.0605(a), the City Clerk shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the City Clerk shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based on supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation upon request of the City Clerk.

(d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, tradename, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widgets Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.

(e) Pursuant to SDMC §27.0605(b), the City Clerk shall reject as unacceptable any

proposed ballot designation which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include, but are not limited to, "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.

(f) Pursuant to SDMC §27.0605(c), the City Clerk shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."

Subject to the provisions of SDMC §27.0605(c), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word "retired," the City Clerk will consider the following factors in making a determination as to the propriety of the use of the term "retired":

- (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
- (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
- (3) The candidate has reached at least the age of 55 years;
- (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
- (5) If the candidate is requesting a ballot designation indicating that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office;
- (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
- (7) The candidate's retirement benefits are providing him or her with a principal source of income.

(g) Pursuant to SDMC §27.0605(d), the City Clerk shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation, or elected or appointed office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Councilmember," "Ex-Mayor," and "Former Educator."

(h) Pursuant to SDMC §27.0605(e), the City Clerk shall reject as unacceptable any proposed ballot designation which uses the name of any political party, whether or not it has qualified for recognized ballot status.

(i) Pursuant to SDMC §27.0605(f), the City Clerk shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.

(1) The City Clerk shall reject as unacceptable any ballot designation which implies or expressly contains any ethnic or racial slurs or ethnically or racially derogatory language.

(2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination.. However, the candidate may use his or her clerical title as a ballot designation (e.g., "Rabbi," "Pastor," "Minister," "Priest," "Bishop," "Deacon," "Monk," "Nun," "Imam," etc.)

(j) Pursuant to SDMC §27.0605(g), the City Clerk shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

106. Requests for Supporting Documentation.

The City Clerk may request that a candidate submit supporting documentation or other evidence to support the proposed ballot designation.

(a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials in the final decision on the candidate's proposed ballot designation.

(b) The City Clerk will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate.

When the candidate does not have reasonable access to a facsimile machine or electronic mail, the City Clerk will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.

(c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of SDMC §27.0603 and these guidelines.

107. Service of Legal Process Regarding Ballot Designations.

(a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the City Clerk of the City of San Diego, 202 "C" Street, Second Floor, San Diego, California 92101.

(b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the San Diego City Attorney at (619) 236-6220.